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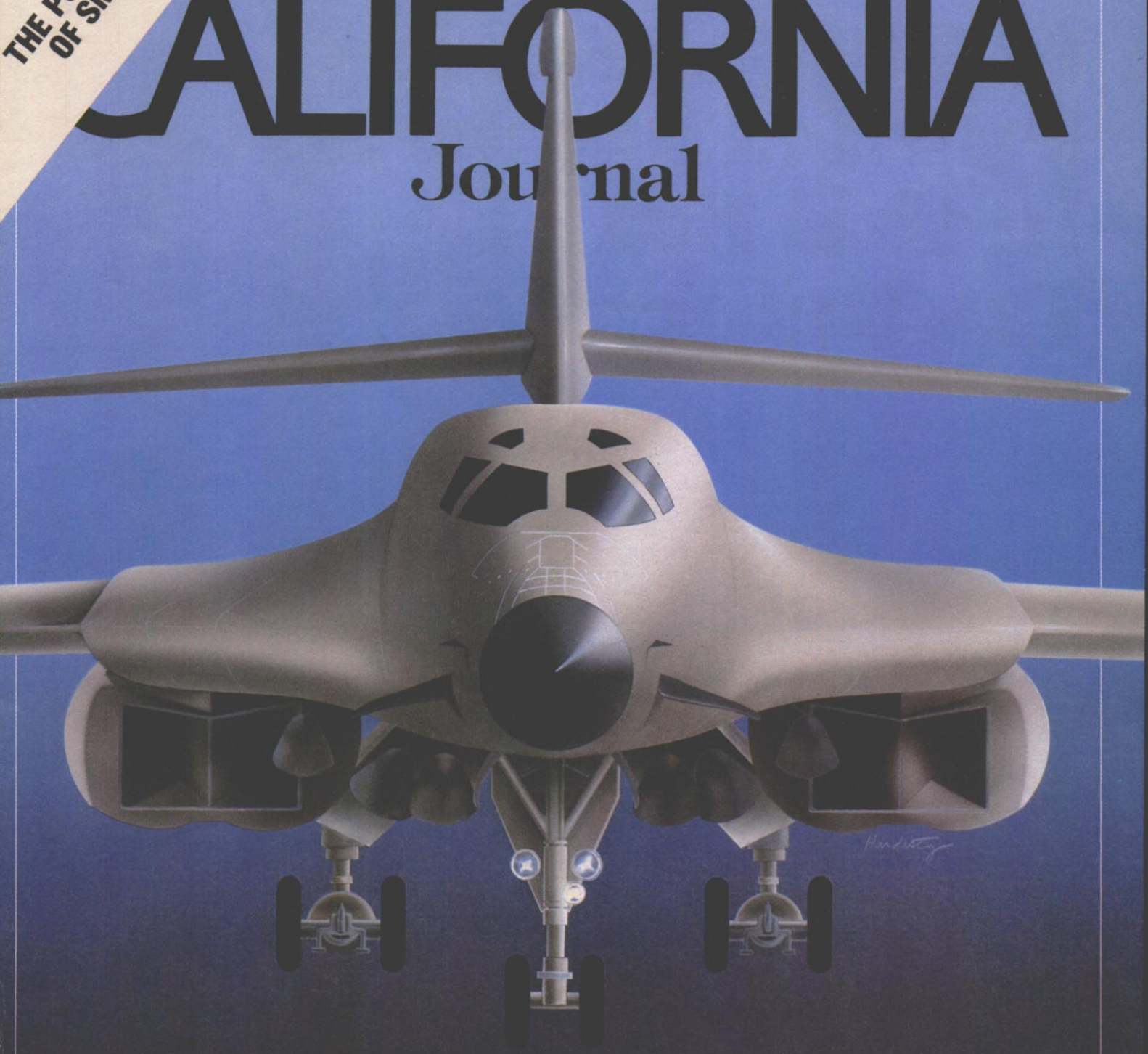

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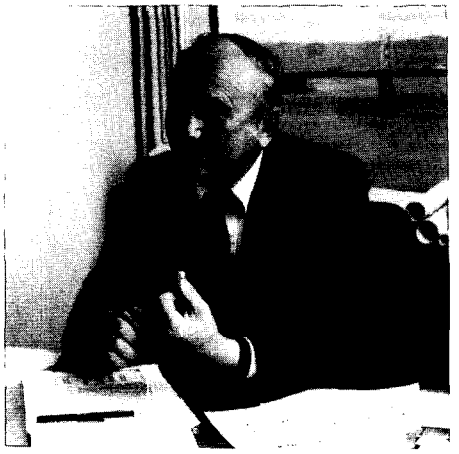

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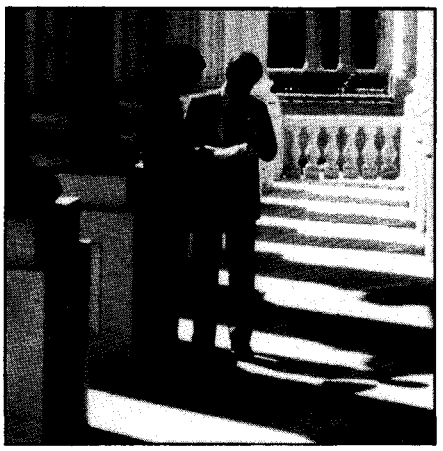

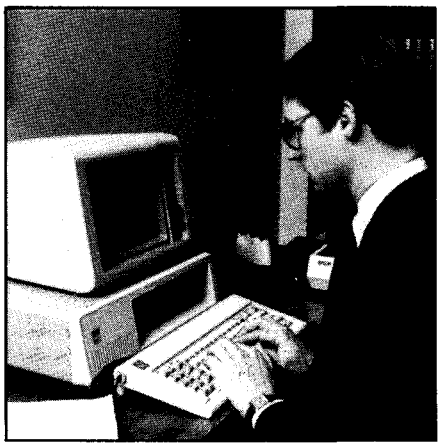

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CALIFORNIA Journal

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Defense dollars 274

California's high-flying economy is fueled in part by lucrative jobs awarded to the state's defense contractors.

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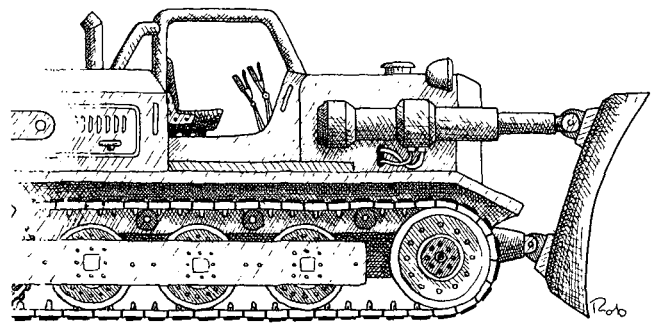

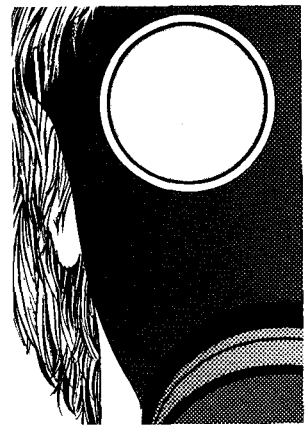

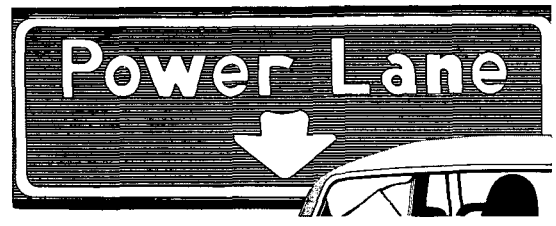

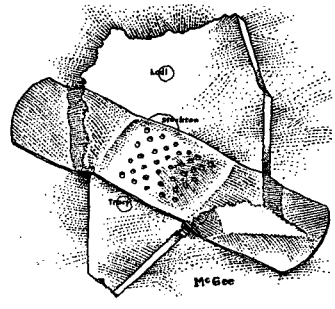

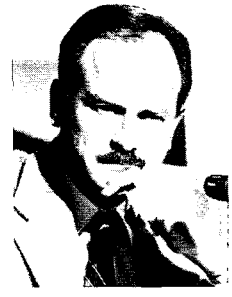

Cover painting of a B-1B bomber by Debra S. Hardesty.

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UP FRONT

It cost more than $2 million, including 135,000 doughnuts, but the Democrats have managed to hold on to the 33rd District state Senate seat vacated by Paul Carpenter when he was elected to the State Board of Equalization last November. Both parties desperately wanted the Orange and Los Angeles counties-based seat, feeling it might set a precedent for contests that could determine control of the Senate during the 1990 reapportionment. In the end, the Democrats just out-hustled the Republicans, sending in troops of legislative staffers, labor union members and volunteers to dragoon voters to the polls. They also offered their supporters a dozen free doughnuts, after they proved they had voted. The old-time grass-roots effort gave a nine-point victory margin to Norwalk City Council veteran Cecil Green, 63, who beat Republican Assemblyman Wayne Grisham of Norwalk and, in the process, make Grisham a target for a possible Democratic challenge in the November 1988 Assembly elections. The May contest proved Democrats can win special elections in marginal districts, and it has to shake the confidence of Governor George Deukmejian — who campaigned hard, but fruitlessly, for Grisham and for a validation of his own state priorities.

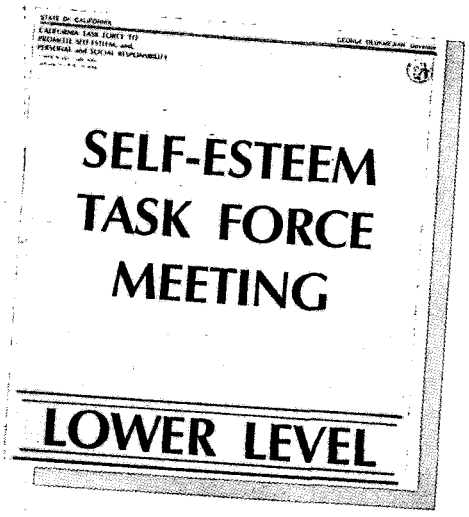
Also winning a spot in the Legislature that day was Democrat Lucille Roybal Allard, 45, daughter of longtime Congressman Edward Roybal of Los Angeles. Allard collected nearly 62 percent of the vote in a special election to replace Gloria Molina in the state Assembly from East Los Angeles.

Other victims of the Grisham loss were Republican Senate leaders Jim Nielsen, the minority leader from Woodland, and John Seymour, the caucus chairman from Anaheim. Two days after the special election, both were replaced. A strange combination of moderates and conservatives in the Senate Republican caucus voted in Ken Maddy of Fresno as minority leader and John Doolittle of Citrus Heights as caucus chairman. Jim Ellis of San Diego replaced Doolittle on the Senate Rules Committee. Nielsen got the leadership job three-and-a-half years ago when conservatives in the caucus — led by maverick H. L. Richardson of Glendora — rebelled against William Campbell of Hacienda Heights. Nielsen got the job in large part because he wanted it when nobody else but Campbell did, and because everybody was convinced he wouldn't get in the way by becoming too much of a leader. In fact, a "board of directors" was formed to give the new minority leader guidance. Somewhere along the line, Nielsen forgot why he won the job and made the mistake of thinking he actually *was* leader of the GOP senators. This time, Richardson teamed up with Maddy (former caucus chairman under Campbell) to forge a new coalition. We'll see how long this one lasts.

Art Agnos is miffed at us because he was described as the "liberal and sometimes wacky assemblyman from San Francisco" in last April's story about politics in his hometown. Agnos claims using the word "wacky" implies he is insane, and he has taken to carrying a copy of the dictionary definition of the word around in his wallet, just in case anybody wants to talk about the subject. He also likes to take impromptu polls amongst whoever is present about the definition of the word. Just to set the record straight (as if his behavior on the subject doesn't do it for us), we meant the part of the definition that reads: "absurdly or amusingly eccentric or irrational." Actually, until he decided to run for mayor, Agnos' sanity was not in question. We also figure Art will have his sense of humor back about the time the San Francisco mayor's race is over. Until then, don't show him this item. He's got enough stuff in his wallet.

Be it ever so humble. It's reassuring to know the Legislature spares no expense to create pleasant work environments for members and staff. Why, this very year the Assembly alone spent about $1.5 million to remodel 27 offices in the Capitol. (This doesn't include time lost as staff and members shifted from one locale to another in advance of work crews.) Never mind that the Capitol underwent a major overhaul in 1981, better and more efficient use of space was necessary, said a spokesman for the Assembly Rules Committee, which authorized the work. According to the *Sacramento Bee*, the most expensive job — $131,037 — involved new quarters for the Assembly Human Services Committee and its chairman, Democrat Tom Bates of Berkeley. According to a committee spokeswoman, the new digs were needed because the committee's staff of eight (plus Bates) had been crammed into an office designed for five.

Be it even more humble. If the announcement below is any indication, the state's newly-created Self Esteem Task Force has had a modest beginning.



Be they ever so vain. Seems some lawmakers don't like revealing their ages. Two freshmen Democrats — Delaine Eastin of Fremont and Jackie Speier of South San Francisco — refused to include their birth dates for the *Journal*'s new *Almanac*, due out this summer. Phone calls to their Capitol offices drew blanks, but Eastin's district office supplied the information. Speier's was tracked down through the registrar of voters in San Mateo County. Another Democrat — Senator Robert Presley of Riverside — drew a line through his birth date when asked to confirm information from a previous *Almanac*. For the rec-

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ord, Eastin was born August 20, 1947; Speier, May 14, 1951; and Presley, December 4, 1924.

Not to mention badges. Are you concerned that patrons can go nude in bars located in nudist camps? The Committee on Moral Concerns is concerned, and it recently urged lawmakers to vote against a bill (AB251) that would prevent the state from requiring nudists to dress while drinking. Among the reasons for the committee's concern: "This bill would make it extremely difficult for a modest undercover officer with no suntan to investigate such an establishment;" and, "During a police stake-out regarding any criminal activity in a nude bar, the undercover officers would be unarmed and in great danger. They couldn't even hide a microphone to summon help!" Yes, but a well-concealed tear-gas cannister . . .

Flattery of the month. *San Francisco Chronicle* Capitol reporter Robert Gunnison's description of Assemblyman Dick Floyd, a Hawthorne Democrat: "a tough-talking, cigar-chomping lawmaker who resembles an Airstream trailer in appearance."

It's not because they didn't advertise. Seems we inadvertently left a little bank out of our *Visitor's Guide* listing of downtown business establishments (*CJ*, April 1987). So, we'll rectify the omission: Bank of America, 12th and K Streets.

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front." so rush your items to Up Front, 1714 Capitol Avenue, Sacramento, CA 95814. Sorry, submissions cannot be returned.*

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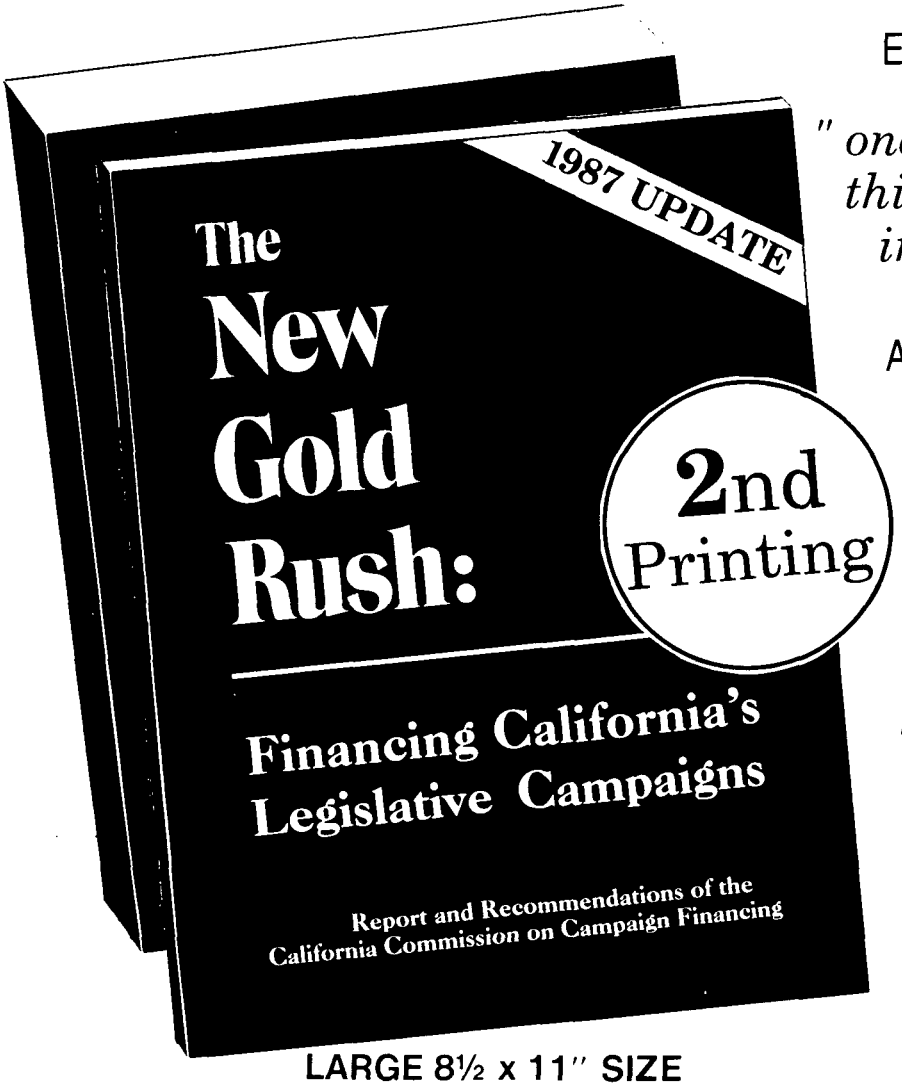

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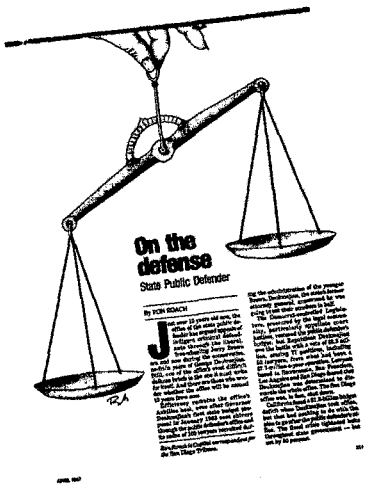
ROSTRUM

Public defender

In his article on the State Public Defender, Ron Roach makes inaccurate representations about the California Appellate Project (CAP). CAP was not "formed under then-Chief Justice Bird's direction," as Mr. Roach writes, nor was CAP an "end-run" around Governor Deukmejian's cut in the state public defender budget.

And CAP is certainly not Chief Justice Bird's "own public defender," as the article charges.

A critical need to recruit defense lawyers, to represent



indigent appellants in the Supreme Court of California, was created by a 50 percent reduction in the state public defender's budget.

The Supreme Court has the constitutional responsibility for providing competent lawyers to represent those appellants. The court had unanimously opposed the cut in the state public defender's budget because of its concern that the quality of appellate representation would be impaired.

When the cut was made, the chief justice appealed to the State Bar of California to assist in meeting the newly-created need. The State Bar responded by establishing CAP as the most effective vehicle for providing competent counsel in indigent appeals consistent with the governor's wish to make maximum use of the private bar. Far from being an "end-run" around the governor's budget cut, CAP is perfectly consistent with the governor's views on representation in indigent appeals.

CAP is not an alternative public defender office but an independent non-profit corporation whose function is to assist the private bar in providing competent representation. It was established with the encouragement and support of the private bar, the attorney general, and the state public defender.

Another unfortunate inaccuracy in Mr. Roach's article is the statement that the executive director of CAP, Michael Millman, was "extremely close to the chief justice." Mr. Millman is not "close" to the former chief justice and was not even consulted by her before she asked the State Bar to act. He was recruited and hired by the CAP board of directors, not by the chief justice.

CAP is an independent entity which has a broad base of support among the bench and bar, and a distinguished record of service to the Supreme Court of California. It has justly won national praise for fulfilling its mission of providing competent counsel from the private bar.

ANTHONY MURRAY
President
California Appellate Project

I thought that you might be interested in some comments to your article, "Public Defender on the Defensive" (*CJ*, April 1987), from a person who formerly did court-appointed appeals.

I am a sole practitioner. When I started doing court-appointed appeals about four years ago the hourly rate of pay was $40. When I stopped approximately one year ago the hourly rate of pay was $50. The system with the First District Court of Appeals appears to approve up to the first 40 hours done on an appeal by the defense appellate attorney. Therefore, if the attorney's time on the appeal exceeds that 40 hours, essentially it is unpaid. Supposedly, extra hours will be paid for in exceptional circumstances; in my experience, "exceptional" is very exceptional. My records indicate an actual per-hour rate for the five or six cases I handled on appeal of $33 to $38 per hour of my attorney-time on the cases. My actual office overhead for the approximately three years (1983-1986) I spent doing court-appointed appeals was $25 to $30 per billable hour. During that period I had the lowest overhead of any attorney I know. The net result was about $10 per hour net to me for my personal income before taxes.

Assuming a sole practitioner has available 1200 billable hours per year, at this rate, the attorney's personal taxable income would be about $12,000 per year. This figure does not include hidden costs borne by an employer, like medical insurance, retirement benefits, social security contributions, sick leave, paid holidays or vacation pay.

Add to this the fact that when the trial transcript arrives, there are 30 days to read and analyze the transcript, research the issues and draft the opening brief. This means setting aside all other business. Add to this also the fact that if the attorney doing the court-appointed appeal commits malpractice (incompetence of counsel) his or her name must be reported to the State Bar of California for an investigation.

Bottom line to me: The net $10 per hour to my personal income for the expertise required, the time pressure demands, and the liability exposure, have made me question the worth of participating in the court-appointed system of appeals.

I conclude that by paying unrealistically low compensation the system of payment by the court to private attorneys for the court-appointed appeals program does not encourage participation by competent attorneys. The payment figures of the courts of appeal are then compared to the cost of attorneys hired by the State Public Defender. I feel fairly safe in assuming that no attorney in the Attorney General's office opposing the appeals handled by private, court-appointed attorneys works for $10 per hour.

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DEFENSE DOLLARS

Keeping California's economy flying high

By J.S. Taub

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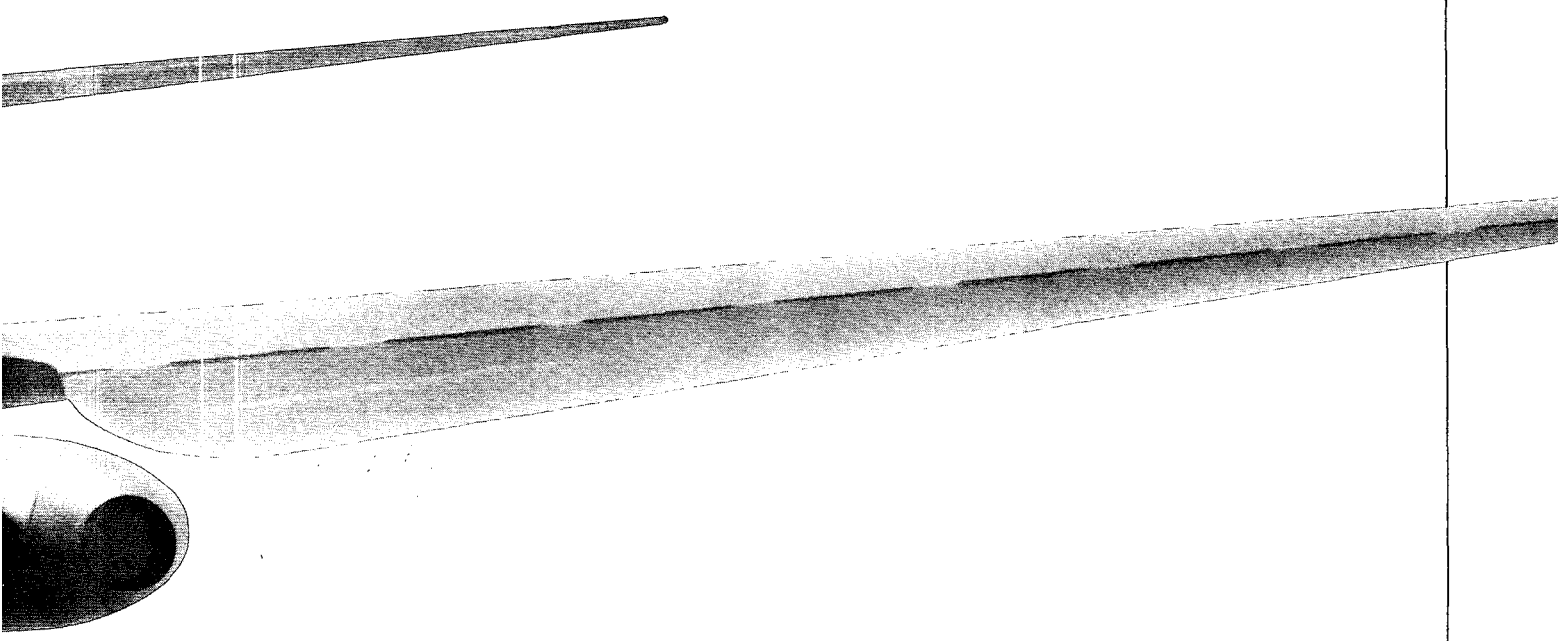

The general who engineered the Allied victory over Germany during World War II and was later elected to preside over an era of peace, prosperity and complacency, was also the man who warned his contemporaries to beware of the military-industrial complex. The late President Dwight David Eisenhower understood the negative implications of a society's over-reliance on the military.

By the time Ike's voice reached California, however, his message was diluted, for while the post-war economy blossomed on traditional heavy industry and agriculture, the Golden State carved out a unique niche for itself as the "arsenal of America."

That niche is lucrative. Its base is rests on the aerospace, semiconductor and electronics industries of Los Angeles, San Diego, Orange and Santa Clara counties. By fiscal 1985, California commandeered over $30 billion in Department of Defense (DoD) prime contract awards — nearly three times the amount awarded to Texas, the closest competitor, according to a 1986 report by the Commission on State Finance. An estimated 30 percent of the state's employment growth since 1981 is attributed to President Ronald Reagan's unprecedented peacetime military spend-up.

Despite the advantages, there are those who believe the defense spending boom cannot last forever."Military spending is one of our significant assets, right up there with agriculture and tourism. We just can't dismiss it," said Democratic Assemblyman Sam Farr of Carmel, chairman of the Assembly Committee on Economic Development and New Technologies. "But if we believe there is just an endless pot of money and it's going to land on our door, that is a big mistake. There were massive layoffs in the defense industry in 1971 and, while I don't feel the down-turn will be as strong now, the historical point is well taken. It happened before and it can happen again. This is not an inevitable frontier," Farr states. Farr's 1985 legislation requires the Commission on State Finance to submit a semi-annual report on the effect of federal spending on the California economy.

J.S. Taub is a freelance writer from San Francisco.

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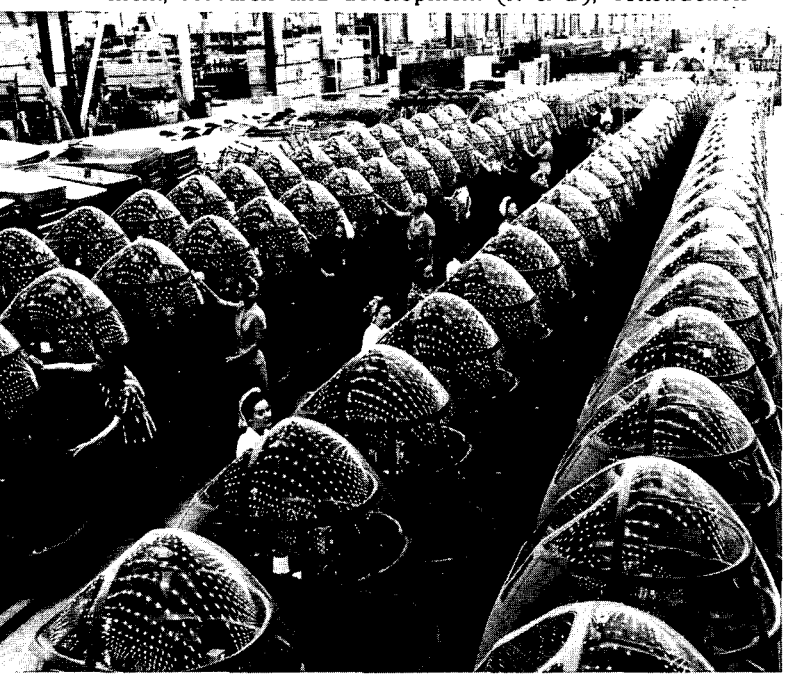
Indeed, ominous downward trends in national military outlays have put California lawmakers on alert. As the massive military spending binge that marked the Reagan era tapers down, as the national deficit hits $142 billion, and as the United States watches Pacific Rim trading partners threaten the viability of key industries, California's legislators, city officials, economists, scholars, unions and business leaders are scrutinizing the impact of the military's largess.

The Commission on State Finance estimates defense spending in fiscal 1987 will top $50.7 billion, or 18.7 percent of nationwide DoD outlays for defense and space procurement, research and development (R & D), construction



Women at work on the assembly of World War II aircraft. Photo courtesy of McDonnell Douglas.

contract awards and for military bases and personnel. Last year, defense spending accounted for 10 percent of the gross state product, 16.3 percent of total manufacturing output, 55.8 percent output in the aerospace industry, 38.9 percent of output in the communications and electrical equipment industry, and 22 percent of output of electronic components and semiconductor production.

Yet, recent studies tarnish the rosy hue military spending has enjoyed here so far. And influential participants in this debate may be well on their way to deciding that, for California's future, less may indeed be more.

Along with questioning whether the historically high volume of military contracts is as beneficial as the job tapestry implies, experts are also exploring how existing alternatives like job retraining, economic diversification and the more controversial economic conversion can be viably adapted to combat the boom-bust cycles plaguing military-oriented communities. They are also searching for clues to what the big picture will look like five years out, after procurement backlogs totaling some $200 billion are spent and communities feel the impact of layoffs and possible plant closures.

Right now, Rockwell International's B-1B bomber facility in Palmdale, and Lockheed's C-5B cargo plane project are in layoff mode pending project completion by next year. Nearly 9000 workers will be affected when those projects are completed in 1988. Since last year, San Diego has seen an estimated 3000 layoffs at the National Steel and Shipbuilding Company as that once-thriving industry reels from the loss of a Navy contract.

These events, and the promise of more to come, have observers harkening back to the calamity of the military bust of the early 1970s. Then, the wind-down of the Vietnam War and the completion of the Apollo space program set loose 134,700 highly-skilled aerospace workers in Southern California — roughly a quarter of the work force.

A 1986 report by SRI International for the Legislature's Joint Committee on Science and Technology says, "Recent layoffs at local aerospace firms emphasize that California's defense industries will no longer be a major source of new employment...at best real military spending will grow only slightly until the end of the decade, and may actually shrink." A report from the Commission on State Finance gives the numbers: "We expect outlays in California, which grew at an average annual rate of 9.9 percent in real terms between 1983 and 1985, to increase by 4.2 percent in 1986 and 0.9 percent in 1987." It notes that the last figures are optimistic.

Security Pacific Corporation's 1986 California Economic Outlook predicts, "As a result of the expected downturn in defense spending, aerospace employment will be virtually flat in 1986 and 1987 and will begin to decline in 1988 when large production contracts begin to be phased out. Already we have seen rather large layoffs by some of the state's major defense contractors in expectation of 'leaner' times."

According to Gene Miles, an analyst at Dataquest, the San Jose research firm, "The real question is on a gross dollar basis. For companies like Rockwell, what do they do when the B-1B bomber project is finished? What's behind it? If there's nothing, then the southland is in deep yogurt."

Technically, resources assisting the unemployed are already in place. Job retraining, under the 1983 Job Training Partnership Act, pulls together federal, state and local resources and the business community to assist the unemployed in finding jobs in their specialty or retraining them for alternative employment. Diversification, already a popular governmental and corporate strategy, broadens the product, economic and employment base so that cancellation or conclusion of a project won't dessicate thriving communities.

Economic conversion, a broader and more controversial concept, involves all those elements, with a twist. It recommends using military plants and their trained workers for commercial production and manufacturing (see following story).

Ironically, while defense spending means jobs for specific parts of the state, it has little impact on the majority of California counties unconnected with DoD contracting. Thus, the inherent diversity of the state's economy renders the military extremely influential, but not all-consuming. Says Farr, "One of the saving graces of this is that the military affects only isolated portions of the economy. Napa isn't going to get slaughtered if there is a cut in defense spending." And it appears likely that, "a shift to slower growth in 1986 and 1987 will not have a dramatic effect on overall economic activity during the next two years," according to the Commission on State Finance.

Jolted by the failure of U.S. military hardware to carry out a rescue mission of hostages in Iran in 1980, former President Jimmy Carter initiated, and current President Ronald Reagan accelerated, the biggest peacetime military spending program in this nation's history. By fiscal 1985 the Office of Management and Budget figures revealed defense

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outlays totaled $254 billion, accounting for 6.4 percent of the gross national product and 26.5 percent of all federal outlays, nationwide.

California, with its sophisticated aerospace and electronics industries, again proved ready, willing and able to bear the burden. But experts say it is now paying the price.

Says Bank of America's California Economic Report of December 1986, "Federal defense spending has played a large role in the growth of the state's economy since 1980...Defense contracts are the base upon which many of the state's high-tech and aerospace firms are dependent." The Bank of America report singles out Santa Clara and San Diego as particularly dependent on defense spending, while the Commission on State Finance points to Los Angeles County as the single largest recipient of contracts, receiving over half the value of all prime contracts in the state.

Montgomery Securities, a San Francisco brokerage firm, notes that 1988 will be another year of negative real growth and that the largest percentage drops in DoD budgets will occur in investment accounts for procurement and research, testing, development and evaluation (RTD&E), from which defense contractors derive the bulk of program funding. Then, too, leaner times will become more evident when defense outlays actually catch up with authorizations — a process that can take three years. The 1987 Electronics Industries Association DoD 10-year budget forecasts negative growth between 1987 and 1990, completely flat for 1991 and a slim advance until 1995.

Right now, California is the native habitat of the B-1B bomber, Trident I and II Submarine Launched Missile, MX Missile, Sea-Launched Cruise Missile and various fighter aircraft. It is also a major recipient of funds for the Strategic Defense Initiative — Reagan's "Star Wars" program. California will also be home to the C-17 cargo plane and parts of the Advanced Tactical Fighter, Bomber and Attacker aircraft — all military pipeline projects authorized in the boom years between 1981 and 1985.

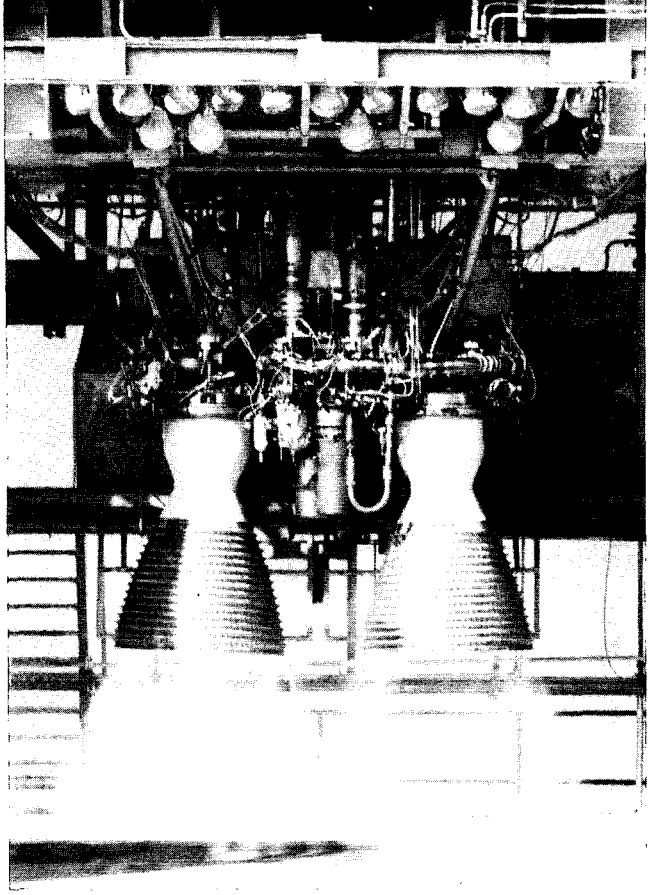
In addition to strict DoD spending, California also procures funds from the Department of Energy (DoE) and from NASA. In 1986, 60 percent of the DoE's $977 million allocation to Lawrence Livermore Laboratory was devoted to defense. In fiscal 1986, 30 percent of NASA's $2 billion California allocation was military-related.

Jay Stowsky, a research fellow at the Berkeley Roundtable on the International Economy (BRIE), is troubled by these figures. "The massive defense spending (does) great harm to the economy — particularly in key technology sectors — by creating bottlenecks in production, encouraging cost-inefficiency, and diverting human and capital resources away from commercial priorities toward high-cost, low-volume, over-sophisticated military applications," he says.

Stowsky further argues that military spending is defeating the purpose of a strong national defense by weakening the economy and inhibiting U.S. ability to compete globally.

Regis McKenna, president of the Silicon Valley high-tech public relations firm bearing his name, says, "America is bankrupting its commercial industries, hence its ability to compete, by spending disproportionate amounts of capital and human resources on the development and production of weapons systems." He avers that while exotic, high-tech weapons systems create jobs, they produce no new wealth to cycle back into the economy.

"An MX missile does nothing to enhance our competitive commercial posture. We are creating an economic incentive system, a Pentagon industrial policy, that directs the energies of our nation to non-productive ends. Military spending should be regarded as a sacrifice to defend ourselves, but instead it has become an economic development program," McKenna says. He points out that all the weapons in the world will not safeguard a weak industrial economy.



A test of a first stage Titan liquid propellant rocket engine. Photo courtesy of Aerojet Corporation.

Lee Halterman, counsel to Democratic Congressman Ron Dellums of Berkeley and leading advocate of economic conversion as an antidote to military spending, says the government has a moral obligation to separate military spending from economic policy. "We have to break the link between strategic decisions and their economic consequences or we'll never get anywhere. We have to let the planners argue about what we need and act upon those recommendations. You don't build a weapons system to give people jobs. Weapons systems have to be judged on their own merits," Halterman states.

As *de facto* industrial policy, military spending is also viewed as highly inflationary because it channels labor and capital into operations that yield no products to stimulate consumer spending. Meanwhile, consumer dollars are routed overseas to American manufacturing rivals on the Pacific Rim. This not only depletes the economy by damaging our competitive and technological edge on world markets, but contributes to worldwide nuclear instability.

Says Ralph Thomson, spokesman for the American Electronics Association, "We are facing the consequences of being overly dependent on the military. The effect is less competitiveness on a global scale, and that means less jobs and less market share."

Halterman explains, "If you use $20 million to buy Ford motor cars or $20 million to produce B-1B bombers, the latter means there's squat for people to buy. When you add it all up, you're dropping $300 billion into the economy

Continued on page 280

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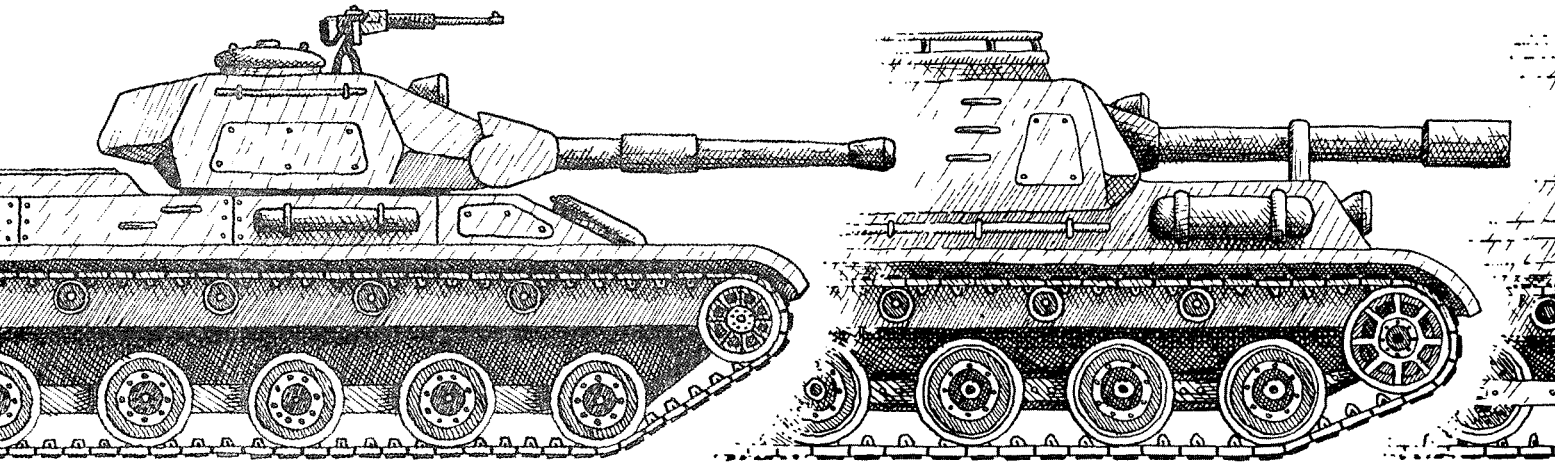

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As the massive military spend up propelling California's economy slowly ratchets down in anticipation of the post-Reagan era, the question of how to handle potential plant closures, job dislocations and layoffs becomes predominant.

Though mechanisms like job retraining under the auspices of the Employment Development Department (EDD), and assistance from the Office of Economic Adjustment (OEA), an arm of the Pentagon, are already in place, California politicians and the non-military business community are increasingly embracing the concept of economic conversion as an alternative to the state's economic dependence on the military.

Economic conversion is a planning process to develop alternative uses of a military plant's workforce and facilities, converting them to commercial and civilian production before a shut down or layoff. Ideally, conversion takes place at the local plant level with input from management, workers, local and state officials and consultants from government, industry and academia.

Conversion involves examining existing plant, equipment and technical processes, workforce skills, and management, engineering and marketing experiences to identify new, profitable and socially necessary products. Observers cite the need for transit systems, schools, housing, health care, infrastucture construction, renewable energy and toxic-waste treatment as appropriate applications for high-tech engineering talent that would otherwise be slotted into military research and development programs.

"There has been a dramatic leveling off in military spending right now and the day when there's a dramatic shift is when the idea of economic conversion will take hold," said Greenbrae's Democratic Congresswoman Barbara Boxer, who sits on both the House Budget and Armed Services committees.

Boxer believes the deficit and arms control will accelerate the conversion process. "In my mind, economic conversion is a great boon. But we have to plan for it and we have the time to do that now," Boxer said.

Yet kinks within the conversion movement, spearheaded by the Center for Economic Conversion (CEC) in Mountain View, have stymied efforts thus far. The problems are political, organizational and logistical. Though the idea of economic conversion dates back to the post-World War II era, its reputation has been tarnished by its popular association with the leftover element of the 1960s peace movement. This particularly alienates the OEA and the state's powerful military contractors, whose cooperation is crucial to the conversion effort, proponents acknowledge.

"There has to be a broader base of support than there is now. You can't just network through peace activists," says Michael Closson, CEC's director. He believes public education would create local interest, which would create pressure for federal conversion legislation. Though Closson says the first level of attack must be local, that a constituency for conversion must be grass roots, he adds, "There will have to be significant federal involvement if conversion is to happen. It also involves a profound reordering of priorities for all involved."

It doesn't look promising. Partly because many view conversion as a threat to jobs, not a single California city has passed a conversion ordinance. Moreover, conversion supporters differ in orientation and approach. Thus, even following the military spend-down of the early 1970s, when defense-oriented industries cut almost one million defense workers nationwide, there sprouted only minimum grassroots interest in economic conversion.

Yet, Closson argues, "We can't look at military spending as one large sacrosanct jobs program. Economic conversion is more than just job retraining. It requires revamping of facilities and equipment in the military industry, and the work force has to make a full transition." But he admits that barring an arms-control agreement, implementing economic conversion will be tough. "We are hopeful but not optimistic," he says. In addition, Closson admits that even with conversion, jobs will be sacrificed. "Even though con-

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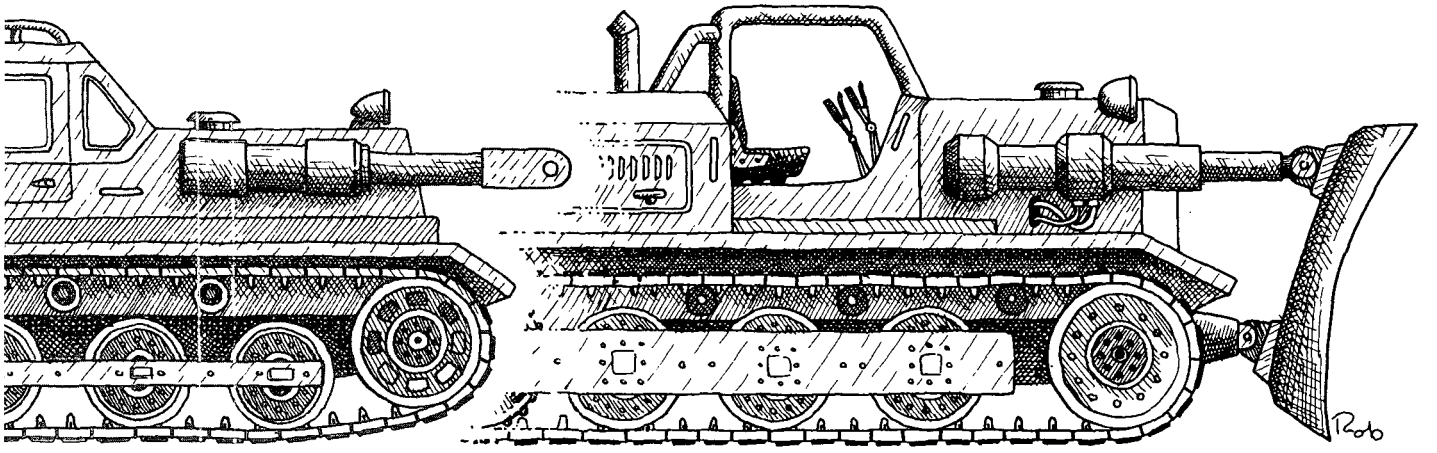

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version is set up to have a full transition, jobs will be lost. Technical professionals will be displaced and it will be very hard to retrain them," he says.

The Pentagon recoils from economic conversion because of its dismal track record. John Lynch, associate director at the OEA, the Defense Department's conversion wing in Washington, states, "No responsible political leader is going to be sponsoring a process that has not produced a single job. This has been tried by several companies and has failed miserably."

That conclusion is based on a 1985 study undertaken at the behest of leading conversion advocate Congressman Ron Dellums, a Berkeley Democrat, who insisted that the Pentagon examine the feasibility of establishing an office of economic conversion within the Defense Department as part of the 1985 Defense Authorization Act. DoD checked out the idea and rejected it. "The findings in this report do not confirm that an office of conversion would be useful or beneficial in addressing major defense impact problems in our economy," the July 1985 report concluded.

The OEA cites as evidence failures by companies like Boeing-Vertol and Rohr to produce transit vehicles in the 1970s. The report views Boeing's failure as typical. "Defense-oriented firms are often unfamiliar with the special requirements associated with commercial production...(Boeing)...underestimated the difficulties inherent in developing and servicing a new product. The Rohr Corporation encountered much the same difficulty in its subway venture," it says.

An effort by McDonnell Douglas Aircraft Company to branch out into the energy business in the 1970s also ended in failure. "This was a new kind of business for us. Not only did it require the wherewithal to make the conversion decision, but also a considerable amount of time and investment in developing markets," says Don Hansen, the company spokesman. In McDonnell Douglas' case, developing the technology was easier than developing the market. "You have to be able to both manufacture and sell. You can find things for your engineers to do but you can't sell it," Hansen says.

The OEA insists that diversification, a popular corporate strategy emphasizing different products and markets, is a more viable solution than conversion. The report refers to the successful case of Connecticut-based Kaman Corporation, which managed to diversify from military helicopters to a line of guitars. The project involved no aerospace personnel. In fact, Kaman observed that its commercial enterprise required greater cost consciousness, different financing and accounting procedures, more elaborate marketing and distribution systems, and consumer-oriented service support. The company concluded that its aerospace managers could not have handled the music division without significant retraining.

Conversion advocates say some failures occurred not only because military contractors did not adapt to the cost-conscious realities of commercial production, but did not take their commercial efforts seriously enough. The OEA conversion report confirms this view of Vertol's foray into mass transit. "As producers of sophisticated military hardware, company officials confirmed that Boeing engineers and managers...viewed the building of transit cars as a technically less demanding task," the OEA report says.

But, observers further suggest the DoD wasn't the best place to gain an objective view of economic conversion. "There has never been a rational approach to economic conversion by the Defense Department, and there's been no philosophical commitment to the need to retrain or replace workers when projects get cancelled. It's all window dressing. These guys are on their own when they get laid off," says James L. Quillan, executive secretary of the California Conference of Machinists, a union which strongly supports economic conversion.

Nonetheless, despite DoD pans, respected members of Congress are taking the initiative on economic conversion for which there are now two bills pending. One, sponsored

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by Representative Ted Weiss, a New York Democrat, requires a one-year notification of plans to cut back or terminate a defense contract or military base; ongoing alternative-use committees in military facilities to develop detailed conversion plans; planning and economic assistance for workers and their communities while conversion is underway; and establishment of a federal defense economic adjustment council to coordinate these activities.

The OEA bristles at the one-year notification. "We are envisioning a five-to-10-year program. This has to be done over a long period of time. Have you ever seen an airline go into the rail business? Individuals are flexible but organizations aren't," Lynch at the OEA says. Congresswoman Boxer agrees, "This won't happen overnight, but we can convert and we have to begin planning now. Military spend down will not be an abrupt catastrophe; it's just something you have to plan for." Conversion is also encountering stiff resistance by defense contractors who echo the Pentagon's position, but with a vengeance. A comment from one, who spoke only on condition that he not be identified, underscores the ideological incompatibility between conversionists and the so-called "merchants of death", a left-over World War II epithet over which this contractor still smarts. "Economic conversion is an attempt to return to isolationism and passivism, and it is totally wrong. Their argument is that America can be disarmed and stand alone. That is madness. This is no real movement, just a group of individuals and people from the peace movement. There is no world affairs foundation-stone for all this stuff."

Others sound somewhat less extreme. "Conversion is nonsense, ludicrous and not serious. There are no civilian applications to these massive programs and no one with any knowledge of the industry can say this concept is useful, reasonable or sensible," says H. David Crowther, spokesman for Lockheed, which employs 40,000 people in California on projects that are 90 percent defense related.

Moreover, defense contractors say layoffs have always been an industry fact of life. "It's a cruel world out there," says Bill Hoverman, spokesman for Rockwell International, which has already begun layoffs of 7400 aerospace workers at its B-1B facility in Palmdale. "You are subject to layoffs no matter what you do. If you are involved in the B-1B, and they don't want anymore birds, then you face layoff."

Meanwhile, Lynch says the OEA has teamed up with the EDD, the Antelope Valley Board of Trade, Rockwell and other defense contractors in an Employment Transition Task Force to redeploy well-paid engineers and assembly line laborers at the Palmdale B-1B site.

"This is the first time we have gotten involved in this process in advance. The local community has requested our help and we have had good cooperation," Lynch says. The first meeting, which took place in late February, indicates that a Pentagon-local government-business partnership is still in the planning stages.

Gene Miles, analyst at Dataquest, the Silicon Valley research firm, is contemptuous of job-retraining efforts in aerospace. "Layoffs? The very suggestion scares the hell out of military contractors. No company wants to talk about it. That's because they don't know what they will do about them, and they don't want to find out. They are just giving lip service to retraining."

Outside of the military-industrial complex, however, economic conversion can mean bad public relations. "Not all politicians like to use the word 'conversion;' it's almost a taboo subject," explains David Manhart of California Common Cause. Sacramento Mayor Ann Rudin, an outspoken proponent of commercial as opposed to military industry, has shifted her position from conversion to diversification. "If military spending is wound down, we would have to see a replacement of jobs. I don't want to see us so dependent on it, but I look at it as diversification. Let them go on making their bombs and this city administration will be working at the same time to bring clean manufacturing industries into the area," Rudin says.

Bernie Ward, chairman of Business Executives for National Security (BENS), a conservative business group, doesn't fear the label. "Jobs in the defense industry are a real problem, but not the major problem. This all gets put together when we acknowledge our massive dependency on military spending and the fact that there is no correlation between what is spent and the outcome. It's a dead man's spiral because the more money that goes in, the less it buys," Ward says.

According to Ward, defense contractors are the new generation of buggy whip manufacturers. "What if the buggy whip manufacturers tried to stop Henry Ford from building automobiles because it would put them out of business? What would that have done for the economy," Ward asks.

But for Closson and conversion activists nationwide, the question transcends economics. "People are first going to have to demand this critical change, and that will be part of the process of setting new national priorities. We want to prevent a nuclear holocaust but, at the same time, we also want to create a better world."

Continued from page 277

with nothing coming out of it."

That is not the only price. An estimated 70 percent of all federal research-and-development funds are funneled into the military, whose technology is swiftly diverging from lucrative commercial applications or spin-offs. The President's Commission on Industrial Competitiveness, chaired by Hewlett-Packard president and chief executive officer John A. Young, observes that commercial spillover from research and development for defense and space programs is not a prime objective. The report says, "...When we look at what the United States spends on civilian R & D — areas of innovation from which we can reap the greatest commercial reward — we find ourselves behind both Germany and Japan."

The commission acknowledges that following World War II, federal research and development "were important catalysts to commercial industries like aircraft and electronics. Today, the roles have been reversed..." John P. Holdren, former chairman of the Federation of American Scientists and professor of energy and resources at the University of California at Berkeley, says this creates a drag on the economy. "It should be obvious that financing a defense build-up with government borrowing will bid up interest rates directly and divert capital from non-military projects supportive of increased economic productivity and enhanced human well-being," he says.

Yet, says Jeanette A. Garretty, vice president and senior economist at Bank of America, "People take DoD inefficiencies and irrational procurement policies and turn that into a quantitative statement that defense spending is bad for the economy. But is it bad for the GNP? No. It has been a fundamental policy driver for the U.S. and California and that has been driving the economy."

Thomas O. Lloyd-Butler, aerospace analyst at Montgomery Securities, believes the Pentagon deserves more

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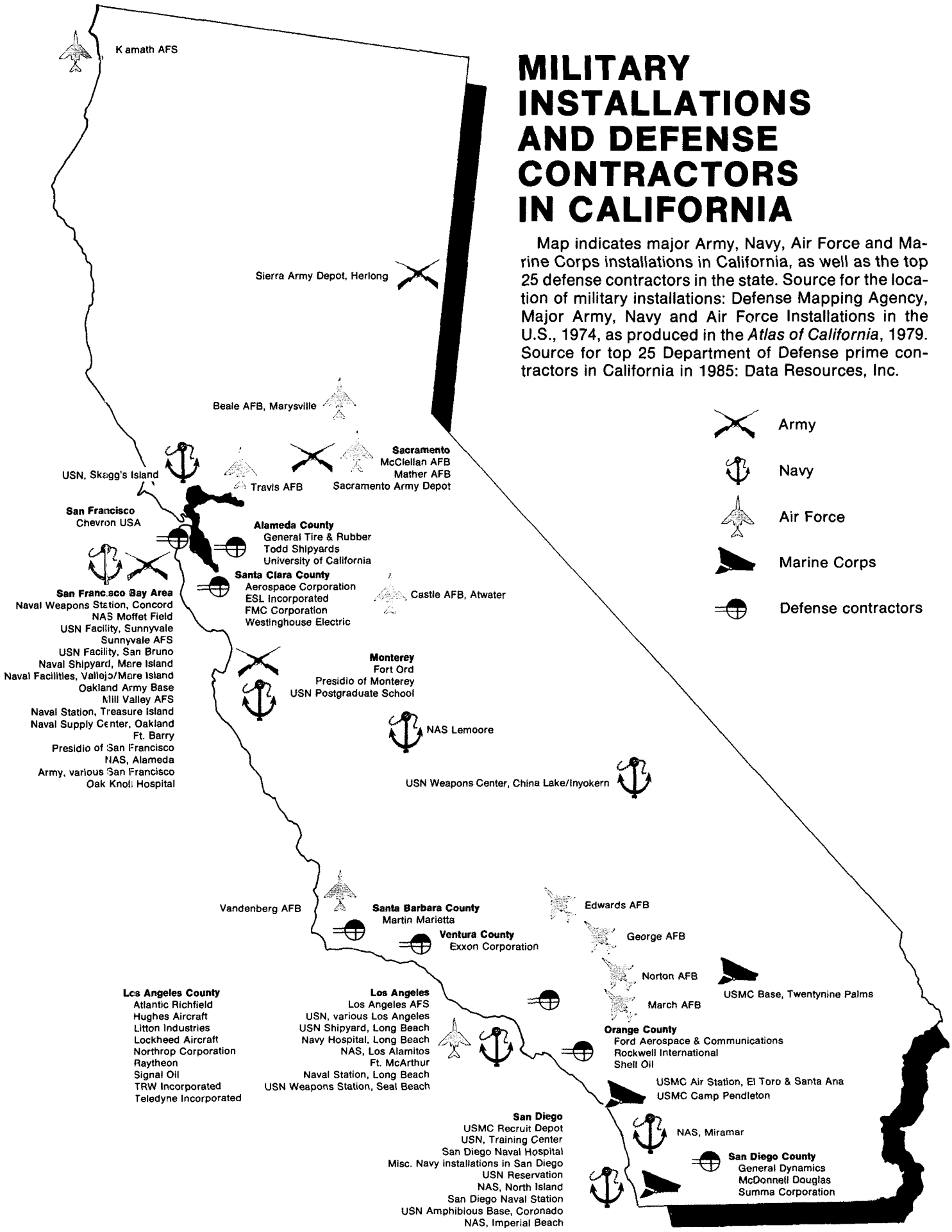
MILITARY INSTALLATIONS AND DEFENSE CONTRACTORS IN CALIFORNIA

Map indicates major Army, Navy, Air Force and Marine Corps installations in California, as well as the top 25 defense contractors in the state. Source for the location of military installations: Defense Mapping Agency, Major Army, Navy and Air Force Installations in the U.S., 1974, as produced in the *Atlas of California*, 1979. Source for top 25 Department of Defense prime contractors in California in 1985: Data Resources, Inc.



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credit than it's getting. "If you play this scenario out in tactical terms, there's a reason why we need more weapons. And we should count this as the opportunity cost of defending ourselves. Is security worth $300 billion? I think so. There are aggressor nations in this world and what we forego may be worth a whole lot more."

Critics of the military-industrial complex further charge that California's military preoccupation has siphoned off the best and brightest engineering and high-tech talent from industry and academia and slotted them into lushly funded, high-tech weapons projects which are inherently high-cost, low-volume, labor-deficient and racially and sexually segregated. Economist Lloyd Dumas from the University of Texas estimates that up to 30 percent of American scientists and engineers are engaged in military research and development.

Further, according to Ann R. Markusen, formerly of the Institute of Urban & Regional Development at UC Berkeley, minorities and women are now under-represented in the military-industrial work force. Her 1985 analysis states, "...defense innovation is a major cause of worsening occupational and income disparities (and) setbacks in racial and sexual economic progress..."

Experts also believe that military spending diverts capital from community infrastructure while plying the economy with weapons systems which are only marginally necessary for national defense. Yet many local officials have trouble getting constituents to buy the argument of decreased military spending when jobs are on the line. "There is a need to rebuild the country's infrastructure and that accounts for the bulk of people out of work. The job dislocation has already begun and we are witnessing the Detroit syndrome in the regions that are overspecialized," says Jay Stowsky at BRIE.

Sunnyvale, where Lockheed Missiles and Space sewed up nearly $2 billion in military contract awards in fiscal 1985, sees the military as a very mixed blessing. "We view military spending as supplemental, not the backbone of the economy. The bottom line with the military is that it's a short-term investment, not a long-term employment gain," says Sunnyvale Mayor Ron Gonzales.

But Stowsky cites an ambivalent attitude among politicians who can't say "no" when it comes to jobs on their block. Mayor Gonzales illustrates that point, particularly in light of the military's major role in propping up the Silicon Valley economy during the recent computer industry shakeout.

"We are concerned with the influx of federal dollars. On the one hand they drove the computer industry during the shakeout, and it's not to say that we don't want them. But along with acceptance, you have to plan for the ups and downs. The bottom line is, don't look toward the military for economic development," he says.

Garretty at Bank of America disputes that point. "Local governments say defense spending is sucking up money from infrastructure spending. But if the defense dollars were not there, maybe they wouldn't need to expand their communities. Maybe their communities wouldn't have any presence at all."

Democratic Congresswoman Barbara Boxer of Greenbrae argues, "It is immoral to keep the arms race going so that people stay employed. I've always felt it was immoral to vote for a weapons system because it meant jobs for my district," she says.

Her Democratic colleague, Norman Mineta of San Jose, agrees. "I don't say that just any job is okay. You can't become so dependent on a single microcosm of the economy." Mineta, whose district is the heartbeat of the Silicon Valley, compares military spending to addiction. "It puts the economy on a dependency scheme, like giving more drugs to an addict. It's economic methadone."

San Diego — where military spending in 1985 totaled $6.8 billion, or 19 percent of the county's gross regional product — is a gung-ho advocate. A center for defense-related manufacturing in aerospace, electronics and Star Wars, San Diego is looking forward to high-profile military presence in the post-Reagan era.

"Military contractors are seen as essential for this county, and those who disagree present a minority view here," says Max Shetter, director of the economics research bureau of the San Diego Chamber of Commerce. Because of the high percentage of defense contractors and retired military personnel, the military enjoys strong support from the locals. "We view the military as beneficial to the economy. They serve a useful purpose and they are enlightened employers," Shetter says.

That view gets an assist from Garretty. "There is a fallacy that jobs are being lost in the military because the presumption is that the same amount of money would be spent somewhere else. But is that politically realistic? More than likely, the money would not be spent anywhere," she says. Lloyd-Butler at Montgomery Securities points out that people are earning money from defense contracts and they are spending it. "There's an opportunity cost to having a strong national defense that you really can't quantify, because if we don't have it, we'll wind up paying for it in the end."

Yet evidence suggests that the number of jobs created by military spending — the multiplier effect — is less than it's cracked up to be. According to a 1984 study by Ann R. Markusen at UC Berkeley, "Since... (military procurement) ...focuses on a group of innovative sectors with relatively high pay, especially engineering labor, it creates less jobs per dollar of expenditure than would social services spending." She says this situation aids inflation in military industries like aircraft and missiles without alleviating unemployment among the hardest hit groups.

The Bureau of Labor Statistics, quoted in congressional testimony, says military spending creates significantly fewer jobs than civilian spending. It estimates, "...total employment per $1 billion is estimated at 20,715 for guided missile and space vehicle production. This compares with 30,394 jobs created in the motor vehicles industry and 71,550 created in educational services."

But, as pipeline projects cushion the impact of defense-spending dips over the next few years, the military is focusing its attention on the Silicon electronics industry, where it has only a toehold now. Says Markusen, "Computers, a sector in which successful commercialization had pushed the military share down to a modest 7 percent in 1982, will be the single greatest beneficiary of new defense spending, slated for an increase of 141 percent in DoD demand in just five years." Stowsky at BRIE says the Silicon Valley is the next target of military saturation over the next 15 years.

For some, however, the economics of defense is intricately woven into the politics of defense. According to Gene Miles at Dataquest, the impact will be based on two assumptions: how much influence Ronald Reagan's California will have after his term ends, and the make-up of Congress and the Joint Chiefs of Staff. "The real question is, will California be able to hold it's ground?"

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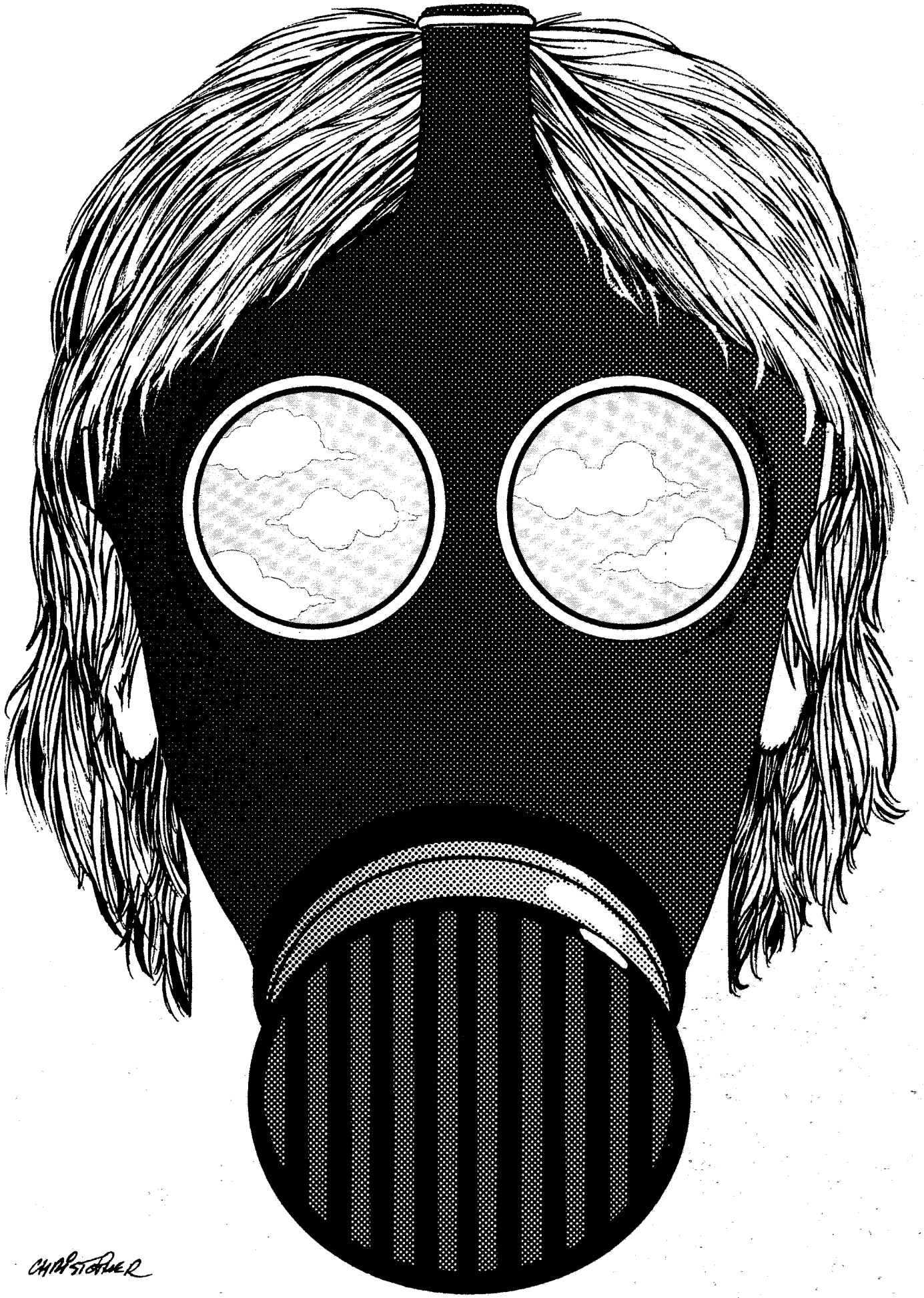

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The politics of SMOG

By James Richardson

There are a lot of worn out tires laying about in California. Perfectly useless relics of the automotive age, they clog up burgeoning landfills or get plopped by the roadside by the million. So when John Brewer, a Salt Lake City businessman, proposed using 27,000 tons of shredded tires a day as fuel to generate electricity, it sounded like a pretty good idea to the small, inland city of Rialto east of Los Angeles. Equipped with air scrubbers, the Garb-Oil and Power Corporation plant would generate fewer air pollutants than a nearby power plant operated by Southern California Edison. In quick order, Brewer won permits from the city of Rialto — only to glad to generate a few jobs and even offering the plant a location in its tax-free enterprise zone — and the South Coast Air Quality Management District.

In so doing, Brewer sparked something else. The seeming ease with which Brewer won his permits jarred awake an issue slumbering for a decade: smog. Shaping up as the year's leading environmental issue, air quality has sparked at least 52 bills in the Legislature and threatens to embroil Governor George Deukmejian in yet another brawl with the U.S. Environmental Protection Agency — this time over sanctions for failing to meet federal air quality standards.

John White, who doubles as a lobbyist on air issues for both the Sierra Club and the city of Riverside, frankly acknowledges that environmentalists, wrapped up in water and toxic waste issues for the last three years, were caught napping. "Garb-Oil lit a fire," White said. "The environmental community has not placed enough emphasis on air pollution. It is not as sexy as toxics and it's very complicated. Air pollution is the step child. It's not a new thing, it's been with us since the '40s. But it's the ultimate survival question."

State Air Resources Board officials argue, with some justification, that smog has been a dormant issue because California has done a remarkable job. The number of smog alerts in the Los Angeles area has been halved in eight years; car exhaust is 80 to 90 percent cleaner than 20 years ago; industrial hydrocarbon pollution has been cut in half; carbon monoxide levels have been reduced by one-third since 1975 even though there are half-again as many vehicles on the road. The Los Angeles basin had only a single Stage Two smog alert in 1986, compared with 16 a year on the average a decade ago.

California leads the nation with its mandatory auto emission inspections and vapor-lock nozzels on gasoline pumps. Moreover, Deukmejian's ARB has taken an aggressive stance statewide. Last year, for example, the ARB stiffened Kern County's air management plan over the objections of that county's supervisors and the oil industry.

Nonetheless, cleaning up California's dirty air seems to have hit a plateau. The ARB acknowledges progress has been incremental since 1982. Jananne Sharpless, chairwoman of the ARB, points out the gasoline powered family car is about as clean as it can get. The Los Angeles basin, though cleaner, still exceeds the EPA's health-based ozone standard — .12 parts per million of ozone to air for one hour — 164 days a year. California is possibly the largest producer of acid rain in the country and generates its own particularly insidious related pollution — acid fog.

More ominously, ARB planners admit that the strides of the last two decades could be erased in the next decade by the state's economic and population growth. The threats to air quality are numerous and are practically everywhere. Atlantic Richfield, for example, proposes drilling 250 oil wells two miles off shore from Santa Barbara. Critics complain ARCO's wells will produce more smog in an air district already exceeding federal air standards. Without a

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James Richardson is a Capitol correspondent for The Press-Enterprise *of Riverside.*

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new strategy the state's air will get progressively dirtier. Regions of the state not traditionally considered smog centers — Sacramento, Santa Barbara, Fresno, Bakersfield, San Jose, even Lake Tahoe — are staring at the prospect of their air growing progressively dirtier. "This is the year," says ARB spokesman Bill Sessa, "that everyone with an ax to grind on air quality is going to grind it."

Soon after the approval of Garb-Oil in Rialto, the larger downwind cities of Riverside and San Bernardino began raising questions about what seemed in hindsight like a thoroughly awful idea. How could the South Coast Air Quality Management District, charged with protecting the lungs of 12 million people, approve a tire burning plant smack dab in the middle of the smoggiest air basin in the United States? How could a small city like Rialto, population 53,000, get away with a project that could damage the health of a million other residents in the nearby larger cities?

The answers, some believe, partly lay in the laxity of the South Coast air management board, whose 14 members represent cities and the four counties of the Los Angeles basin. County supervisors from Orange and Los Angeles, holding the balance of votes on the board, had long since stopped going to meetings, sending staff members as proxies. Board chairman Norton Younglove, a Riverside County supervisor who goes to board meetings almost as a tenant of religion, was past the boiling point with his inattentive colleagues from the two bigger counties.

The Smog Caucus — a mostly bipartisan group of legislators representing the smoggiest basin in the nation — responded with a raft of legislation. Democratic Assemblywoman *Sally Tanner of El Monte introduced a package of* five bills to make her San Gabriel Valley district and the Riverside-San Bernardino area subject to tougher air restrictions than the rest of the sprawling Los Angeles basin. Democratic Assemblyman Steve Clute of Riverside introduced two bills, AB514 and AB515, to kill Garb-Oil dead, pleading: "The Rialto tire burner would be an environmental disaster." Republicans countered that Garb-Oil jumped through the hoops so it should not be penalized for playing the game.

More fundamentally, Democratic Senator Robert Presley of Riverside, with the strong backing of board chairman Younglove, introduced SB151 to revamp the South Coast district by reducing its board from 14 members to seven. Four members, one each for Los Angeles, Orange, Riverside and San Bernardino counties, would be appointed by the

The Air Resources Board

When Governor George Deukmejian appointed Jananne Sharpless as the chairwoman of the State Air Resources Board in August 1985, the clean-lung lobby was wary. Sharpless, only the second woman to serve in Deukmejian's cabinet, came to the post without overwhelming credentials. She had served as a consultant to the Assembly Ways and Means Committee and then as deputy secretary for environmental affairs. As chairwoman of the ARB she would become the governor's chief environmental advisor.

In nearly two years at her post, Sharpless has won respect from environmentalists and praise from Judith Ayers, EPA regional administrator, who calls her "aggressive and innovative." Under Sharpless the ARB has, for example, taken on the oil industry in Kern County, requiring that area's air management district to adopt stiffer regulations.

"When she was first appointed, I was concerned," says Gladys Meade, environmental health director for the American Lung Association of California."I think she has grown in the job. She has shown leadership."

There are those who contend Deukmejian could show more forthright leadership of his own on smog issues. "I don't think the air quality issue has been a high priority for the governor," Meade says. "On the other hand his leadership is perhaps reflected in his appointments to the Air Resources Board."

Meade characterizes the board as showing forward progress — slow, but forward. The board is responsible for regulating vehicle emissions, approving the federally required state air pollution plan and overseeing local air quality districts.

The nine members of the ARB serve at the pleasure of the governor. All are currently Republicans; there are no holdovers from Governor Jerry Brown.

Besides Sharpless, the others are:

Harriet M. Wieder, 66, an Orange County supervisor from Huntington Beach, holds a slot reserved for the South Coast Air Quality Management District. She is a former mayor of Huntington Beach and serves on the National Water Advisory Council of the EPA.

George F. Bailey, 67, a San Diego County supervisor, holds a slot reserved for the San Diego Air Quality Management District. A former mayor of La Mesa, Bailey has been a member of the League of California Cities Environmental Quality Committee.

Roberta H. Hughan, 54, mayor of Gilroy, holds a slot reserved for the Bay Area Air Quality Management District. Hughan and her husband are partners in a Gilroy architectural firm.

John N. Cefalu, 51, an El Dorado County supervisor and former mayor of South Lake Tahoe, holds a slot representing an "at large" position for local government. He is the president of JARS Linen Inc. Deukmejian also appointed him to the state Water Resources Control Board, Lahontan Region, in 1983.

Betty S. Ichikawa, 46, Gonzales, has been the area coordinator for the Salinas chapter of the California Women for Agriculture. She operates a jewelry business.

John Lagarias, 65, Moraga, is the president of Lagarias Associates, a science and technology firm. A chemical engineer and former director for environmental quality for Raymond Kaiser Engineers Inc. in Oakland, he has been a member of the Air Pollution Control Association since 1979 and served on the advisory council for the Bay Area Air Quality Management District. He holds six patents involving air pollution equipment.

Dr. Eugene A. Boston, 58, Buena Park, is a family physician with his office in Fullerton. He is a member of the California Academy of Family Practice.

Andrew Wortman, 52, Santa Monica, is an energy consultant to TRW, Vetco and the Librascope Division of Singer. He has advanced degrees in mechanical engineering and aerosciences and is an instructor at California State University, Fullerton. — *James Richardson*

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governor — thus giving Riverside and San Bernardino counties equal footing with the two larger counties. Presley's bill also widened the district's authority to regulate stationary sources of smog. "I don't think anyone paid a great deal of attention to the board until the approval of Garb-Oil," Presley said.

Still more broadly, other legislators introduced measures that could have national ramifications. Democratic Assemblyman Byron Sher of Palo Alto introduced AB2595 — nicknamed by some the California Clean Air Act — to require adherence to federal air standards by 1993. Sher's other major smog bill, AB1471, represents the state's first stab at controlling acid rain and moves well beyond anything contemplated by the Reagan administration on the federal level.

In what could have the most global effect of all, Redlands Republican Assemblyman William Leonard proposes phasing out gasoline, oil and diesel powered engines in cars and most industry by the year 2000, replaced with natural gas, or other clean fuels for industry, and clean-burning methanol for cars. Leonard's bills, AB138 and AB234, could cause automakers and oil producers to revolutionize their businesses worldwide if they want to continue competing in California.

"The reason I am making a loop-hole in the free-enterprise system," Leonard said, "is in talking to the auto industry, they say they can build a clean-fuel vehicle, but there is no fuel. I go to the energy guys and they say they can produce the fuel but there are no vehicles. So I decided in this chicken-or-egg argument there is a proper role for government."

Leonard's measures have garnered the behind-the-scenes interest of the Deukmejian administration which is quietly working with him on the bills. If enacted, Leonard's bills could provide the most far-reaching environmental legacy of Deukemjian's years as governor.

"I think that's a very courageous bill," Sher said. "I think Leonard ought to be complimented for taking on that issue and knowing he's going to get beat up by a lot of people on it."

The high-stakes nature of smog politics was evidenced in the first round of legislative hearings when some of the biggest hired guns in Sacramento's lobbyist establishment entered the fray on every conceivable side. William Bagley former Republican assemblyman, and John Knox, former Democratic Assembly speaker pro tempore, were hired by Garb-Oil to defeat Clute's bills. The oil industry and utilities have gone after Leonard's bills. Lobbyists for Orange and Los Angeles counties have attempted to block Presley's revamp of the air district.

Some legislators have found themselves in a sticky spot. Republican Senator Marian Bergeson of Newport Beach, whose district takes in portions of Riverside, San Diego and Orange counties and all of Imperial County, has found herself caught between the competing interests in her sprawling district. As chairwoman of the Senate Local Government Committee she failed to get Presley to placate Orange County, but voted for the bill anyway.

Soon after the Garb-Oil controversy spread to Sacramento -- almost as if the stars and planets had conjoined — EPA Administrator Lee Thomas announced he will interpret the federal Clean Air Act literally. States with air management plans that do not meet health-based federal air standards by the end of the year — or sooner in some cases — will be subject to federal sanctions. At the top of the list: California, with the most intractable smog problem in the nation.

The sanctions include a mandatory freeze on large smog producing construction projects and a possible cut-off of billions of dollars in highway, sewer and clean air grants in designated air management districts. Nor was Thomas just talking about the Los Angeles basin. The EPA has served official notice on Deukmejian that five regions in the state will almost certainly face sanctions: the Los Angeles basin; Sacramento; Ventura; Fresno and Kern counties. Others also face the threat to a slightly lesser extent: the San Francisco Bay Area, San Diego, Santa Barbara, San Joaquin and Stanislaus counties. In fact, only Monterey appears completely in the clear.

Subject to the building moratorium would be projects producing more than 100 tons of pollutants a year or 40 tons a year of ozone precursors — the most common constituents of smog. Construction projects most likely stopped, EPA officials say, are the trash-to-energy incinerators — possibly including the Garb-Oil project that so captured the attention of politicians in Sacramento.

The likelihood of a highway and sewer grants cut-off is far more uncertain. EPA officials acknowledge they are still formulating a policy — unclear precisely how to interpret the law — and want if possible to confine such santions to states that have done little to control smog. They say the policy should become clear by mid-summer.

Deukmejian is already complaining that the EPA is unjustified in considering sanctions against the most progressive state in air quality measures. "California leads the nation in terms of our efforts in reducing the amount of pollution," Deukmejian said at his April 30th press conference. "I think that ought to be considered and there ought to be recognition given to the fact that we continue to have tremendous growth in this state.

"I do know this: that we have the most stringent laws, the most stringent enforcement. I don't think that there's going to be any other states that can compare to us, I think we are making good progress."

Deukmejian's response to the issue may have shown how he has learned his lesson from the toxic waste imbroglio of two years ago. Where Deukmejian found himself repeatedly embarrassed over the mismanagment of federal cleanup contracts — arguably because of his lack of personal attention to the inactions of the bureaucracy — he has immersed himself in the air quality issue, keeping abreast of developments on federal smog sanctions. The subject has been discussed in cabinet meetings and he says he will personally inject himself into discussions with the EPA. However, there may not be a whole lot he can do.

Judith Ayers, Region IX administrator for EPA, is not unsympathetic but pleads her hands are tied by Washington. Ayers, the federal environmental czar for California, Arizona, Nevada and Hawaii, credits California with leading the nation in aggressive measures to cut smog. Los Angeles' smog, with its brew of on-shore breezes, contained by mountains, cooked with sunshine and fed by 12 million cars, is far tougher to eliminate than anywhere else, she acknowledges.

Still, Ayers says, the law is the law. "Governor Deukmejian is not the only governor — or mayor — who has those feelings," Ayers said. "The agency is required by the Congress to carry out the mandate of the law and Clean Air Act and does not listen to Governor Deukmejian or other public officials."

Essentially, both the EPA and the Deukmejian administration have been caught without a policy for what to do next. Last year the EPA had proposed something called

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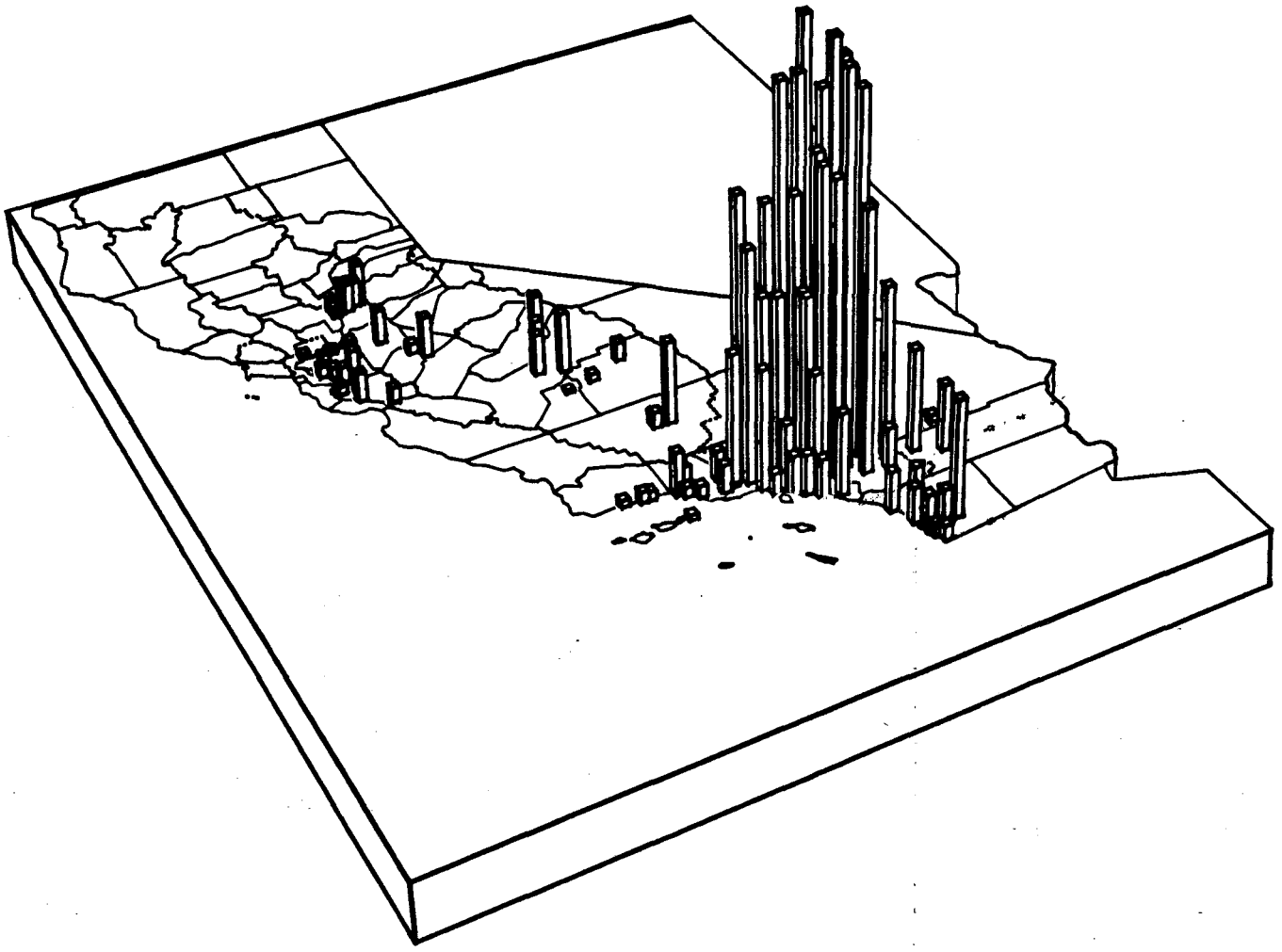

Bars show the relative frequency with which the indicated areas exceeded federal clean air standards, 1983-85. Source: Environmental Protection Agency

Reasonable Extra Efforts Program — or REEP — to extend the 1987 deadline for states that had made strides in cleaning up the air. Sanctions would be reserved for those states that had done little. That policy was acceptable to the Deukmejian administration.

Although California had acknowledged it could not meet the health-based standards, it looked as though it would escape sanctions under the REEP proposal. That is, until the EPA's general counsel's office rendered a legal opinion against REEP. The ruling left the agency with no real choice but to impose the sanctions against states with plans that did not meet air standards, even against the states doing the most. "There is no doubt in our minds the Congress is quite serious about the law, as written, being imposed," Ayers said. "The Clean Air Act does not discriminate between Kansas City and Los Angeles."

Ayers, who tangled with Deukmejian two years ago over toxic waste clean up contracts, seems anxious to avoid a fight with the Republican governor over smog. However, Deukmejian's ARB chairwoman, Sharpless, has been making speeches lambasting the EPA for changing the rules in the final minutes of the fourth quarter and for penalizing California becaused it was "honest" enough to admit it cannot meet the federal standard. In an April 9th speech, for example, Sharpless told the Air Pollution Control Association: "It doesn't seem to matter that the rest of the states, and the rest of the world for that matter, look to California as a model of how to clean up air pollution.

"With its very narrow view, EPA behaves as though the Clean Air Act acknowledges no life beyond 1987, that Congress intended the country to grind itself into economic gridlock with construction bans and other sanctions if the air wasn't cleaned up on deadline...According to EPA, the sky is either clear blue or it's falling.

"In short, EPA has no vision at all beyond 1987."

Not so, says Ayers. The EPA will have a policy, perhaps something similar to REEP. But the vision must come from Congress, says Ayers and other EPA officials. However, the EPA's position has left a lingering suspicion among Deukmejian officials that the real game of smog politics is between the EPA and Congress over changing the Clean Air Act. "Those who might suggest there are other motives besides the law of the land are incorrect," Ayers responds.

Sharpless, in interviews and speeches, maintains that imposing sanctions could have an opposite political effect than intended — it could erode support for air pollution programs. "If major penalties are already imposed people might feel 'What's the big deal? The worst has already happened,' " she said. "The ultimate weapon may be fired and they could find out it's a dud."

Democrats and environmentalists, so far, have been reluctant to criticize Deukmejian on air issues. They appear almost as squeamish about the federal sanctions as Deukmejian for much the same reasons. In the Legislature, air

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pollution has remained — so far — largely a bi-partisan issue. The Democrats generally feel the sanctions should somehow stay in place but are skeptical whether they will be enforced. Assembly Natural Resources Chairman Sher said, somewhat typically, "I think you've got the threat but the threat is not exercised. So I'm not sure people regard it as a real threat. I think it's important to keep that threat in place because without it you don't have the will."

One thing seems clear as the smog debate unfolds: the traditional argument over economic trade-offs vs. cleaner air is increasingly beside the point. Smog directly damages the state's economy and the health of its people. Senator Presley, frustrated by what he sees as the short-sighted opposition by the building industry to his smog district bill, told a Senate committee: "If we don't clean up the air basin they won't sell many houses. They should broaden their scope -- don't just come in, build a few houses, make a couple of bucks and run."

Nor is it just the urban areas that suffer the effects of smog. An exhaustive three-year ARB study released in March showed the state's agriculture loses $333 million a year in crop damage. Particularly hard-hit has been the San Joaquin Valley's cotton and grape crops with 20 percent losses in yields. Imperial and Riverside counties have lost 10 to 20 percent in citrus and cotton.

The California Council for Environmental and Economic Balance, a coalition of manufacturers, labor unions and utilities which in past years had called for slashing the ARB budget, has taken a relatively moderate approach this year, avoiding a knee-jerk position against stiffer smog bills. "Industry certainly acknowledges that further emission reductions will be required," testified Evelyn F. Heidelberg, lobbyist for the organization, at an October legislative hearing.

The council has called for a broad-based "task force" — perhaps similar to the one that dug Deukmejian out of his toxics hole — to recommend a new air strategy for California. Heidelberg maintains that the state should rigorously analyze all proposed smog strategies to see if they work — not all will — and the pain should be spread equitably among industries. "We are beyond the point of bean-counting exercises. Let's do the measures that really work," she said. "We need to have realistic, but very ambitious, goals toward air quality attainment."

The greater cost from smog is to human health, with all that implies in suffering and for rising insurance premiums and health care. "It's more of a problem than we thought," says environmentalist White. "Toxic chemicals are beside the point. Old fashioned air pollution is at the top of the list in health hazards."

Robert Phalen, director of the Air Pollution Health Effects Laboratory at UC Irvine, maintains that the potential for toxic injury is greater with airborne contaminants than with water. The average person breathes 10,000 to 20,000 quarts of air a day, compared with one to two quarts of food and water. Smog causes infections, tumors, the destruction of the lung's self-cleaning tissues and other diseases. It aggravates heart and lung diseases. The ARB estimates that smog contributes to 80,000 deaths a year in California.

"Air pollution is a health problem that people should not have to endure," says Gladys Meade, environmental health director for the American Lung Association of California. "We don't have a jar of Sparklett's air to breathe. We can't take our oxygen equipment with us."

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Dr. Ken Kizer

The state's high-profile health chief

By Greg Lucas

"We only see you on television" is a complaint that Dr. Kenneth W. Kizer has heard his wife Suzanne and his daughters, Kelli and Kimberly, voice on more than one occasion. And although the director of the state's Department of Health Services laughingly relates the story, it's easy to see why his family might complain.

When plumes of radioactive clouds passed over California following the Chernobyl nuclear catastrophe, Kizer was on five local and national television programs in one day, dashing from monitoring station to monitoring station, assuring residents that all was well.

When reports surfaced in July 1985 of people becoming sick from pesticide-tainted watermelons, Kizer was again on television explaining the statewide ban he imposed on watermelon sales.

And when business plummeted at a Sacramento restaurant after a former chef died of AIDS, Kizer — accompanied by a phalanx of reporters and aides — ate a much-publicized dinner at the restaurant to highlight that AIDS cannot be transmitted through casual contact.

In his almost two-and-a-half years as director of one of the state's largest departments — 4000 employees and a $6.5 billion budget — Kizer, 35, has maintained a consistently high profile that some detractors ascribe to ambition, ego or both.

The job itself is often one of the more thankless positions in the Deukmejian — or any other — administration. It is a lightning rod for publicity — frequently negative — where a director is much more likely to make the news when something goes wrong than when things go right. As the state's chief public-health official, Kizer presides over California's $5.2 billion-a-year Medi-Cal program, regulates nursing homes, coordinates most of the state's toxic clean-up efforts, and spearheads the attack on AIDS. He's also taken on the bad publicity question head-on.

"I have taken a more aggressive posture on some things than may have previously been the case because I think the public wants to know," Kizer said. "There are stories to tell. And maybe, partly, it's just my own personal style."

Continued on next page

Greg Lucas is a Capitol reporter for the Daily Recorder *of Sacramento.*

Photo by Rich Pedroncelli

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And the public has read plenty of stories about Kizer, not all of them laudatory.

- In 1985 he recalled Jalisco cheese products — some said too slowly — after they were linked by health officials to a potentially fatal outbreak of listeriosis in Los Angeles.
- Kizer ordered his department to conduct spot inspections of nursing homes in an effort to crack down on abuses, posting a one-year increase in fines, from $1.4 million to $5.3 million.
- Despite a monitoring system for groundwater pollution and continued attempts to improve the state's response record on cleaning up toxic-waste sites, Kizer is still not fast enough — at least as Senate President pro Tempore David Roberti saw it at one of Kizer's stormy confirmation hearings last year.

Kizer underwent two grueling Senate Rules Committee confirmation hearings. At the first, the committee unanimously endorsed his confirmation by the Senate. The second was requested by Kizer after conflict-of-interest allegations arose against him as a result of a trip to Washington, D.C. While in Washington, Kizer sought an exemption from the U.S. Environmental Protection Agency's Superfund list for a piece of Monterey Park property owned by an organization that had contributed $19,250 to Governor Deukmejian's election campaign.

Spurred by election-year politics, Rules Committee members pummeled Kizer for two days about the motives behind his trip. He insists he had no knowledge of the contributions made by the company and was invited to Washington by the EPA. Selling the 45-acre parcel to a shopping center developer for $6 million, Kizer said, would help pay for clean-up of the other 135 acres of the site. After the second hearing, the Rules Committee rescinded its earlier endorsement.

Ultimately, Kizer was approved 30-4 by the full Senate, but quickly found himself in a tug of war with legislative Democrats over the administration's efforts to establish a separate toxics agency.

Democrats had a competing reorganization plan and, after debate on the merits degenerated into partisan squabbling, neither plan was adopted.

Kizer has also gained attention for a report issued in 1986 on the dramatic increase in California AIDS cases. Some 50,000 diagnosed cases are projected by 1991. And this year Kizer wound up on television yet again for adding AZT, a drug used to treat AIDS patients, to the list of drugs available to Medi-Cal recipients.

Of course he also took heavy flak from Democratic legislators for defending Deukmejian's paring back of the state AIDS budget last year from $49 million to $29 million. There have also been complaints that grant money for local AIDS support groups is being doled out too slowly.

"Survive," is how Kizer once described what he hoped to do in his job, and he is managing to do that, just as he has all his life.

Born in Indiana, Kizer moved with his family to Oregon when he was five. While he and his father were shopping, his father dropped dead of a heart attack. His mother remarried — unhappily, Kizer has said — but killed herself with a rifle when he was 12.

Kizer, his two older brothers and his two younger sisters were farmed out to foster homes in Oregon, California and Nevada.

Kizer's foster homes were marked by heavy drinking and domestic violence, and he involved himself in as many extracurricular school activites as he could at his high school in Reno, earning admittance to Stanford in 1968. He played on the football team there, worked on the student-manned fire department and received a bachelor of science degree with honors despite nights spent working as an emergency room orderly.

After earning a joint degree in public health and medicine at UCLA, Kizer served a two-year stint with the Navy in Hawaii (while also maintaining a private practice).

In 1983 he went to work for the state, serving as the director of the Emergency Medical Services Authority for a year before becoming a deputy director of Preventive Health Services at the Department of Health Services. Between 1977 and 1984 he racked up certifications in toxicology, occupational medicine and emergency medicine.

Then in March 1985, he was tapped for the directorship of Health Services by Deukmejian — becoming one of the first directors in recent years to be a doctor. His immediate predecessor, Peter Rank, was an attorney.

A diver for twenty years, Kizer's underwater photographs from the Philippines, the Red Sea and the Galapagos cover one of his office walls. But his diving and consulting practice have been pared back dramatically to carve out time for the two briefcases full of documents he takes home to read each night.

He has that much reading because his health department is unique in the nation. It not only administers the state version of the vast federal Medicaid program but also handles toxic enforcement and coordinates the state's response to AIDS.

"Then that's compounded," Kizer said, "by just the magnitude of the program out here compared to many other states." Kizer half-jokingly estimates that most of Rhode Island's total state budget is covered by the $300 million toxic division within his department.

Although most of the department's budget pays for Medi-Cal, priorities and policies for the program are largely determined by federal Medicaid regulations, Kizer said. But that does not mean the program is free from controversy. Late last year, for example, legislators accused the administration of deliberately underestimating Medi-Cal expenditures for the current fiscal year in order to easily balance last year's budget and avoid controversy before the governor's reelection campaign.

Deukmejian's Department of Finance has said that the program could be as much as $280 million short by the end of June. In response, Deukmejian has proposed $350 million in cuts in the program for next fiscal year and was tangled in litigation trying to implement some lesser cuts this year.

Kizer and other administration officials have been badgered about the problem at legislative hearings and, finally, after a media-genic "committee-of-the-whole" session, the Legislature voted to restore Deukmejian's proposed cuts.

As if that isn't enough, Kizer can always count on his smaller budget items, the Office of AIDS and the Toxic Substances Control Division, to be in the headlines for one reason or another.

Toxics, Kizer admits, is the area where he has the least knowledge — despite his toxicology certification. California has 400 toxic sites ranging in size from acres to inches. Out of 253 sites scheduled to be dealt with in some way during the next fiscal year, only 39 are slated for final clean-up. That slowness, Kizer said, initially came from a lack of staffing.

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"You can't have waste engineers or chemical engineers and expect them to be knowledgeable about how you process contracts and all the legal and bureaucratic details that go into that. But I think early on in this administration those people were being asked to do those sorts of things because there were only a certain number of bodies to do the work," Kizer said.

"As a result, mistakes were made, some things weren't appreciated that someone who specialized in contract management or audits would know."

But even with the beefed-up budget and the added staff, the state has still been accused of moving too slowly, particularly by Democratic legislators. Part of that, Kizer said, is the problem of inadequate technology.

"You can dig it up, put it in trucks and haul it away. But where do you haul it? Nobody wants it. The thinking now is 'Well, how do we resolve it on-site. How do we detoxify it, how do we do something with it other than just hauling it into somebody else's backyard.'"

But progress is being made, Kizer said, adding that the department's policy is to view landfills as temporary solutions and to push for practical application of methods that will resolve problems at the site.

"We're just starting to talk about test burns for different types of incineration, we're starting to talk about new ways of desorbing contaminants from the soil so you don't have to move the soil and you're left with a residue that you deal with."

Overall, Kizer said, "the feedback I get from legislators and from people in the industry as well as different advocate groups is that although they may not think (the toxics program) is where it needs to be, they recognize that very substantial progress has been made in the last year and a half."

The Office of AIDS is another area of his department that's grown rapidly in both size and importance.

When Kizer first came to the department, only $500,000 a year was being spent on AIDS and no personnel was devoted directly to the problem. Today, the department spends $29 million on AIDS with a staff of 65 handing out grants — some critics say too slowly — to local AIDS organizations.

"One of the things that (the AIDS office) has found most frustrating is that many of the community-based organizations and groups that are the recipients of the funds have no experience in dealing with government entities," responds Kizer.

Problems in the grant proposals submitted and a lack of understanding of the state's contract process, Kizer said, have led to delays in releasing funds that "you gotta work through."

His department projects 50,000 AIDS cases within the next five years and, to Kizer, the ramifications of that are staggering.

"When you think about the cost involved, the human suffering involved, the social, political, legal, ethical and other issues involved, this becomes a major event."

But Kizer said, "One of the realizations that people need is that there is very little that we can do to change what's going to happen over the next five years."

There is no vaccine, although California is the only state, Kizer said, that has committed tax dollars to finding one. In the interim, Kizer believes education is important, particularly for adolescents who, in five years, will be the next at-risk group. It may also have other positive side effects, Kizer said.

"There may be some spin-offs like keeping them away from drugs, preventing teenage pregnancy — California has the second highest teenage pregnancy rate in the country — and preventing other venereal diseases."

Kizer himself has made personal efforts to educate the public about AIDS. He donated blood to prove that the disease could not be transmitted by being a donor, and he ate dinner at Bon Appetit, a Sacramento restaurant whose business fell when one of its former chefs died of AIDS.

"The Bon Appetit thing was a good example where I think we did more in that couple of hours to dispel some myths, to help some education, than you could have probably done with thousands of hours of lectures. It was a symbolic gesture, but if their business is any reflection, I think it turned a lot of people around."

And as if he was not busy enough coping with AIDS, toxic clean-up and making sure the Medi-Cal program ran smoothly, Kizer last year took a run at the school board in Rocklin because he was dissatisfied with the education his daughters were getting. He didn't campaign — just put up a few signs, he has said — and lost.

Despite his work load, Kizer continues his once-a-month emergency room work at either a private Bay Area hospital or the UC Davis Medical Center in Sacramento where, he said, "the rubber really meets the road."

Recently, the first case on his shift was a San Quentin inmate with an arrow made from a razor blade stuck in his throat. But the volunteer clinical work has also had some less gruesome applications to his public-health responsibilities.

After prescribing a drug to treat an ear infection, Kizer was informed by the pharmacy that the drug was not on the Medi-Cal formulary. So Kizer asked that it be put on. "It's cheaper actually than one of the other ones we've got on the formulary."

A nationally-recognized expert on aquatic sports medicine and environmental medicine, he helped found the Wilderness Medical Society in 1984, an umbrella group that provides information on how to deal with medical problems likely to be encountered by hikers and climbers. He still remains active in the group.

There have been occasional whispers within the administration that Kizer, a Republican, is not a team player — a criticism he said he has never heard and one he denies. He was known to be interested in moving up to become secretary of the state Health and Welfare Agency, but was bypassed by the governor for veteran civil servant Cliff Allenby.

"Not everyone within the administration, or everyone within the Democratic Caucus or the Republican Caucus — or any other group — always agrees exactly with the way that something may come down. The important part is that those differences are discussed and then, when a decision is made, you do your best to carry it out," Kizer said.

"If you can't and it's an untenable position, then you have to question why you're there. And if that becomes a problem then you should find employment someplace else."

He insists that hasn't happened to him yet, that the "lifetime" of his current job hasn't run out.

"One of the things some people have a little hard time understanding of my background is that I was always doing two or three things at once. That's why this job doesn't seem as onerous perhaps as it might."

And that also could be why his family complains about seeing Kizer more on television than at home.

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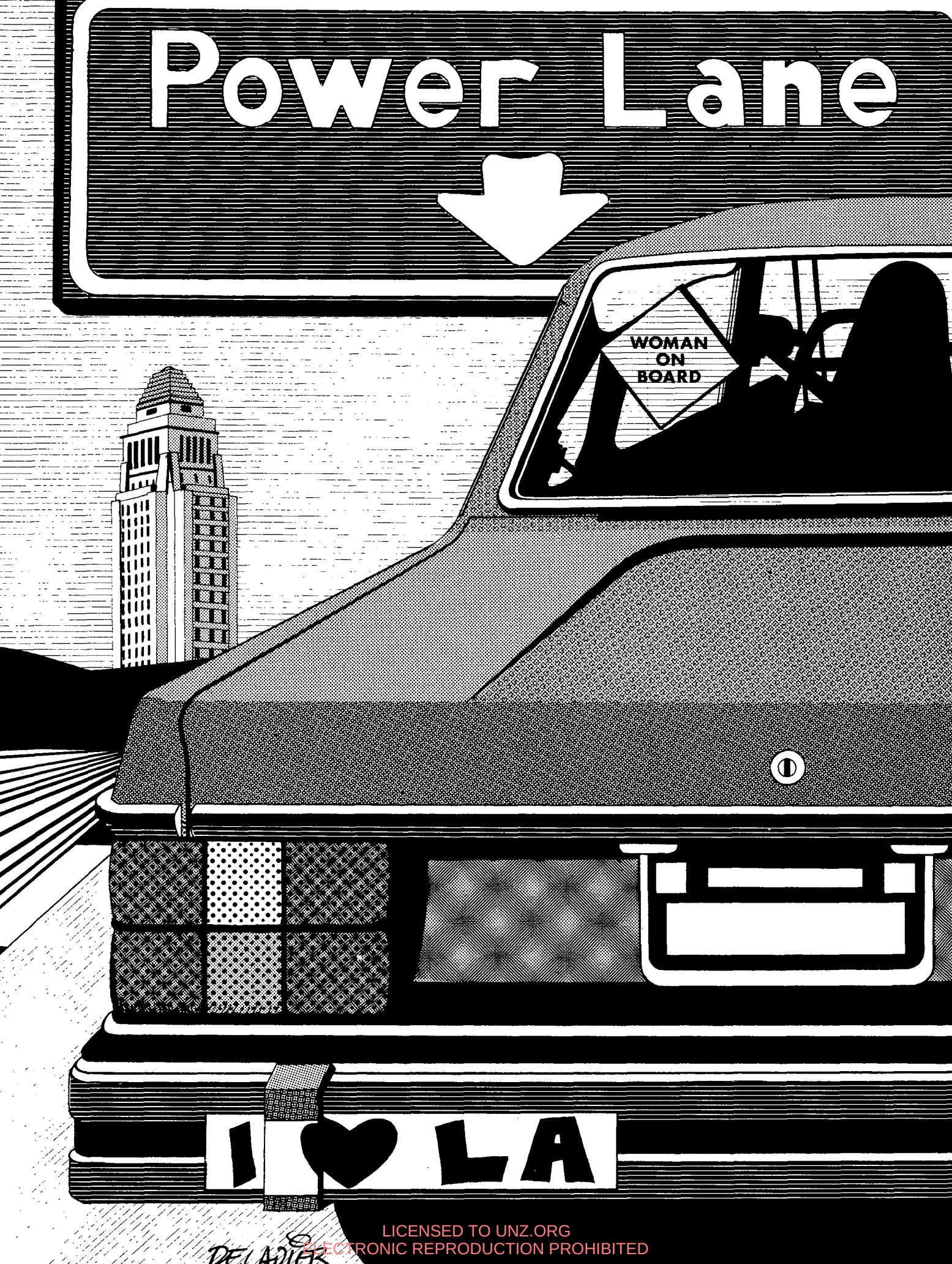

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Despite increased clout

Big political prizes elude LA women

By Elaine Lafferty

Conventional wisdom, or at least political politesse uttered for the record by Los Angeles pundits, says the city is ready for a woman in the mayor's office or in Congress or anyplace else.

On the surface, that is probably true. There is certainly a growing network of women elected officials, appointees, civil servants, financial contributors and queen-makers who do have political clout.

But despite some recent signs that women are beginning to flex their political muscles, there currently are few women of national — or even statewide — prominence on the Los Angeles political scene. Aside from Secretary of State March Fong Eu, no one woman stands providently in line for mayor, governor, United States senator or any other statewide office. The one woman who tried for the spotlight, former Congresswoman Bobbie Fiedler, failed in her attempt to win the Republican nomination for U. S. Senate.

In this major media market, where it is easy for some to skip over the traditional routes to prominence, why have so few women captured public attention?

In part the answer is simply a matter of style. In the flashiest of California cities, the elected and appointed women, with some exceptions, share a conciliatory, let's-all-sit-down-and-talk-about-it approach that rarely leads to open confrontation. Although there are women with political clout, their style has resulted in low name-recognition and a neglect of populist political issues.

For example, in Los Angeles City Hall, there are three key women — City Council President Pat Russell, Board of Public Works President Maureen Kindel and Fran Savitch, executive assistant to Mayor Tom Bradley — whose low public profiles mask their abilities to get things done.

As the saying inside city hall goes, these women "know the building." They can circumvent the bureaucracy on behalf of favored developers, attorneys and advocacy groups. And they control, or have a significant say in, the awards of lucrative city contracts. These women like each other. They work well together. And those hoping to make something happen at the highest levels of city government will soon find themselves in one of their offices.

Former Councilman Arthur Snyder, now one of the city's busiest lobbyists, says these women "rank at the very top. If you put those three together on an issue, it's awfully hard to lose."

To celebrate her 63rd birthday in December, City Council President Pat Russell ran 17 miles through her West Los Angeles district in preparation for the L.A. Marathon. It was a Wednesday and, as is often the case with Russell's accomplishments, there was no media attention or public fanfare.

She likes it that way.

A six-term councilwoman who rose through the ranks of the League of Women Voters, Russell has for years openly aspired to succeed Mayor Tom Bradley. But with Bradley's announcement that he will seek a fifth term, Russell's aspirations may be at a standstill as she has promised not to run against him.

As council president, Russell's power stems largely from her authority to dole out committee assignments. But, it is her ability to move nearly anything she feels strongly about through the council's cumbersome legislative process that makes Russell a powerful ally both inside and outside city hall. Among Russell's accomplishments: approval by the council for the region's first transportation and traffic-mitigation plan, featuring a unique requirement forcing developers to pay fees and street-improvement costs for the traffic and congestion their developments will generate.

In another instance, when the National Organization for Women was unable to obtain a permit for a 40,000-

Elaine Lafferty is a reporter for City News Service in Los Angeles.

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Galanter

Molina

Burke

Picus

strong West Coast women's rights march last spring in an adjacent councilman's district, they called on Russell for help. They got the permit.

If the role of confidante and occasional camp counselor to 14 healthly egos on the council is stressful, it wears well on Russell. With a brisk no-nonsense stride, she pads around city hall in flat heels and appears at least 10 years younger than she is.

Assemblywoman Maxine Waters, a Los Angeles Democrat, observes that, by way of the council presidency, Russell "could have a national, even an international profile." Instead, Russell has chosen to exercise power in a subdued fashion, building a loyal and sometimes unlikely constituency among business leaders, developers and feminist groups.

The classic inside player, Russell loathes publicity, although she is known for media stunts around election time. But even then she seems uncomfortable with the attention. That, critics and supporters agree, is Russell's obstacle to higher office, and it may even have an effect on her current, tough campaign for reelection.

"I'm not crazy about getting press. I dread looking at it," she says. Like other women interviewed, Russell blames the media for a sexist bias. "I don't think our media would accept a woman superstar," Russell says. "I think the press is generally chauvinistic. Male politicians and businessmen know, maybe better than anybody, the real power and ability of women."

Russell is currently fighting for her political life after being forced into a June 2nd runoff with Ruth Galanter, an urban-planning consultant making her first foray into elective politics. Russell was the only council member who failed to win reelection outright in the April 14th primary, and her battle with Galanter is seen as an example of the budding power of Los Angeles' slow-growth movement as represented by her challenger. (That campaign was thrown into turmoil after Galanter was nearly stabbed to death by an intruder in her home on the night of May 6th. Although she survived, Galanter was forced to carry on from a hospital bed. Russell was hampered as well, for she had to soft-peddle political attacks on her ailing challenger.)

It should come as no surprise that the women with clout in Los Angeles tend to be Bradley loyalists. Maureen Kindel could be the prototype.

Like others, Kindel's power originally stemmed from her ties to Bradley. But in seven years as president of the Board of Public Works, Kindel has become a power in her own right. Kindel became known to Bradley in 1979 as a smashingly successful moneyraiser in a town where that skill is an art form. He soon appointed her to the powerful five-member board. She was elected president in 1980 and currently is paid $60,357. As chief executive officer, Kindel oversees a department with more than 5000 employees and an annual budget in excess of $248 million. City services such as sanitation, sewage treatment, street lighting and maintenance are all under Kindel's management.

Kindel is one of Bradley's closest advisors and attributes the friendship to similar personalities. "It's great when we get together. We both love the nuts and bolts of government. You know, we talk about sewage and sanitation. Boring, isn't it?" she says.

The public may not know much about Kindel. Not so those who do business with the city. Her department in 1985 awarded over $83 million in construction-related contracts alone. Her job could be a high-profile position. Some have suggested she run for office.

Appreciative of the benefits of power without the burden of public responsibilities attendant to elected office, Kindel says she has the best job in government. She prefers to work behind the scenes. "I'm ambivalent about a high profile," she says. "I deal in some extraordinarily potent issues such as hazardous waste and sewer spills in the ocean, waste-to-energy plants, landfills. I really believe what works best in those issues is the team approach where you involve people and get them on board."

In New York politics, they call such a person a "fixer." Inside Los Angeles City Hall, they simply call her Fran Savitch. Her title is a benign-sounding "executive assistant to the mayor." Kindel describes her as the "mayor's most trusted aide, his eyes and ears." Savitch is certainly all of the above. Additionally, she can be the "hatchet person" for Bradley, tightly controlling access to the mayor for influential friends and contributors.

At 56, Savitch is the senior member of Bradley's inner circle. She oversees political appointments, monitors the activities of the Harbor Department and the Community Redevelopment Agency, and freely offers the mayor her opinions on a wide range of topics.

Quick-witted and aggressive, Savitch could have pursued a career in elective office. (She lost a race for city council in 1975.) With a straightforward manner that is sometimes perceived as harsh, Savitch describes herself as

Nichols

Flores

Archie-Hudson

Waters

"very private" and says she is glad she lost her singular attempt at elected office. "It's just not my nature," she says.

Savitch considers herself a feminist, a statement supported by accounts that she strongly and successfully advocates more female appointments to city boards and commissions. She stresses that women are in key policy-making roles in city government, an achievement attributable to the women's movement.

Capable, charismatic women are involved in politics, but are rarely recognized by the media, Savitch says. "The media is behind everybody else as it relates to the participation of women," Savitch says. She cites the mostly-male composition of newspaper editorial boards as an example of institutionalized male bias.

Russell, Kindel and Savitch are, of course, not the only women in city politics; but they are the most powerful of the insiders.

If the low-profile tradition of women in L.A. politics is going to change, perhaps the election of former Assembly woman Gloria Molina to the city council is the start. A growing network of professional women campaign managers,

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fund raisers and activists contributed mightily to her stunning upset victory last February.

Molina was opposed by what was thought to be an unbeatable array of foes: popular local school board member Larry Gonzalez was vigorously backed by state Senator Art Torres, City Councilman Richard Alatorre and almost every other Latino elected official with the exception of senior Congressman Ed Roybal.

What Molina did to them will be talked about in east side politics for years. It wasn't even close. Each side spent more than $200,000 and Molina won with 57 percent of the vote. The decimation was masterminded by Pasadena-based political consultant Pat Bond who also ran Molina's first upset campaign for the state Assembly.

Pushing her agenda to put more women in office,

Russell Kindel Quezada Savitch

Molina is now supporting Lucille Roybal, the congressman's daughter, for election to Molina's old Assembly seat. Alatorre has agreed to support Roybal.

Molina's election brings to four the number of women on the council. (If Myrlie Evers, strongly supported by Maxine Waters, wins the 10th District election, the number will be five.) Besides Russell, Molina will join two other women on the council with lofty political aspirations and growing campaign coffers to support them.

Seated to Molina's right on the council horseshoe is Councilwoman Joan Milke Flores, a bright, articulate Republican veteran, respected and well-liked inside and outside city hall, who many observers say could cake-walk to her next office if the circumstances are right. Flores was only elected to the council in 1981, but she served as an aide to former council President John Gibson for 25 years before that. A youthful-looking 51, Flores is said to yearn for a seat on the all-male, five-member Los Angeles County Board of Supervisors. With the uncertainty surrounding the health of veteran Supervisor Kenneth Hahn, who is still hospitalized after suffering a stroke several months ago, Flores' opportunity may be around the corner.

Seated to Molina's left is Councilwoman Joy Picus, a liberal San Fernando Valley Democrat who has managed to survive in a mostly conservative district. Picus was honored by *Ms.* magazine in 1985 as one of its Women of the Year for her successful advocacy of a pay equity agreement for city employees.

Recently she ushered a city day-care policy through the council. Despite these accomplishments, Picus is sometimes pegged as flighty, and her name is mentioned infrequently as a candidate for higher office or a key player in city politics. Other names are repeatedly mentioned as the leading women among the city's power brokers. Tops on the list:

- Former Congresswoman Yvonne Braithwaite Burke — A former county supervisor who once ran for statewide office, now a Los Angeles attorney specializing in the lucrative municipal bond business, Burke and her husband, L.A. Marathon director William Burke, spend considerable time in city hall. Burke serves as a University of California regent, but says she has no interest in returning to public life. She sees Russell and Molina as key city leaders.
- Lisa Specht — An attorney with the politically-connected law firm of Manatt, Phelps, Rothenberg and Tunney, Specht has gained visibility as the local KABC-TV legal commentator. She is closely allied with the Westside Waxman-Berman machine, who contributed heavily to her losing race for city attorney. Specht is mentioned by nearly everyone as being groomed for another shot at the city attorney's office, as soon as it is vacated by young and ambitious James Kenneth Hahn. Specht has taken an early and visible position as the prime Los Angeles contact for Delaware Senator Joseph Biden's presidential campaign.
- Leticia Quezada — A former Molina ally now tied to Alatorre, Quezada is the front-runner in the election to succeed Gonzalez on the Los Angeles school board. An affirmative-action executuve with the Carnation Company, Quezada is a longtime activist in the Latina political community.
- Maria Hummer — Another attorney with the Manatt firm, Hummer is a city hall lobbyist for such clients as Occidental Petroleum. She also sits on the globe-trotting Board of Airport Commissioners, a plum city commission.
- Marguerite Archie-Hudson — A Los Angeles Community College Board trustee and an ally of Waters, Archie-Hudson reportedly weighed a race against Russell but decided the odds were long. She also bowed to the better-known Myrlie Evers in the race for the 10th City Council District seat. Archie-Hudson wants a higher elected office, but she will either have to wait a few more years before the right seat opens up, or be more aggressive in her pursuit.
- Mary Nichols — Former state Air Resources Board chairwoman, Nichols has signed on as a key strategist for

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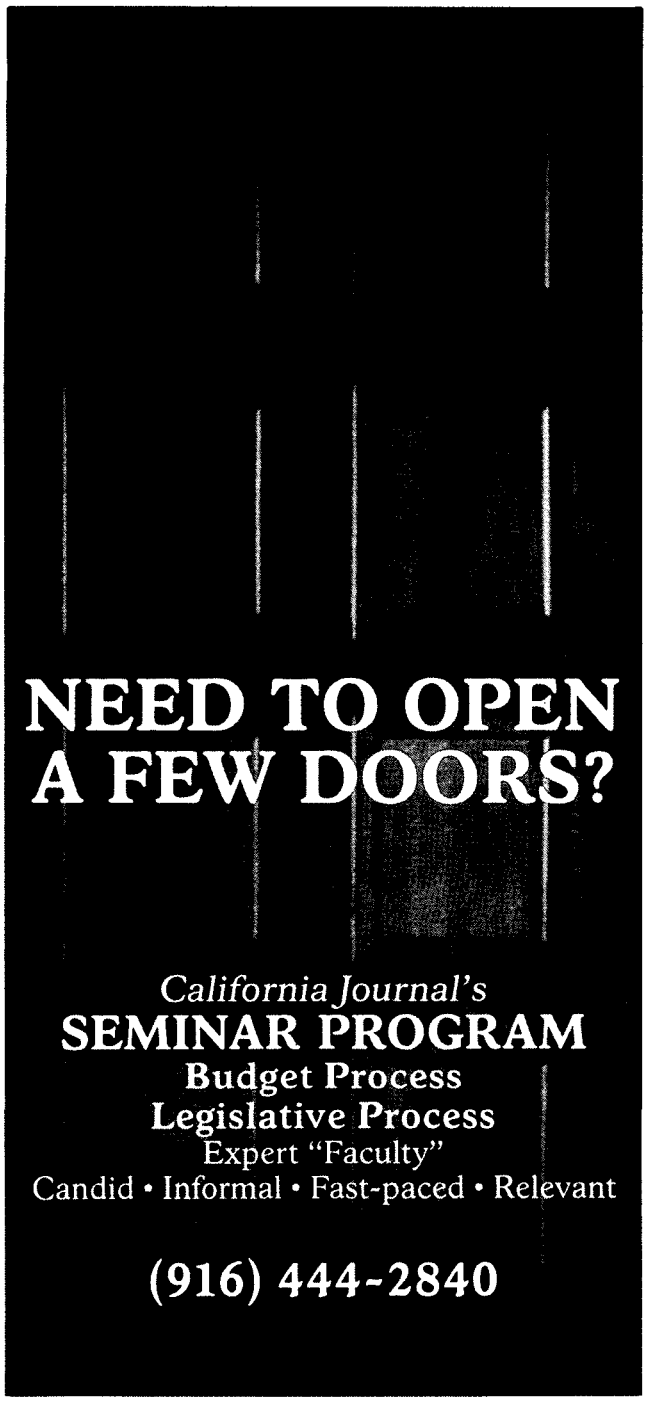

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former Arizona Governor Bruce Babbit's longshot presidential campaign.

There are many others who wield considerable influence and whose stars are rising; Sandy Serrano Sewell, a Latina political operative also described as brilliant by Waters; Marsha Kwalwasser, director of the Center for Law in the Public Interest and Democratic Party activist who hosted New York Governor Mario Cuomo during his first visit to Los Angeles in February; Leslie Winner, partner in Winner Taylor Associates, a top political consulting firm; and Jan Hall, a Long Beach city councilwoman who recently took over as president of the troubled Southern California Rapid Transit District Board of Directors.

With the growing number of women in positions of power and the increasingly crowded second tier waiting for recognition, what transformations in the body politic will it take for women to be serious contenders for higher office in this city?

Assemblywoman Waters says the council's elected women "see their job too narrowly. They are limited by their own vision of the leadership they could take."

Women must "inject themselves into issues without an invitation," Waters says. Citing her own reputation as an able player of political hardball, Waters says, "I guess I just didn't know any better. But then I wasn't trained in a finishing school."

Electing more women to office must be a priority for the "old girl network," such as it is. It will take organization, money and good candidates who have the motivation to "jump on a red-eye flight" and "stay up late at meetings," in Waters' words.

Adds Savitch: "There are some women who control wealth, in this city, who will now only give to women candidates or to causes that advance women."

Of those women who control wealth, two Westside women are considered the most active: Joan Palevsky, who served as finance chair of Molina's city council campaign; and Peg Yorkin, a well-known figure in the city's arts community.

For years, Yorkin was a reliable supporter of the city's charities. Now, she is deeply committed to supporting women candidates and women's issues. Last year, Yorkin contributed $28,875 to political campaigns.

"More women would run if they had the money. Women need money, even loans, to get them off the ground," she says. Yorkin lists a seat on the all-male five-member Los Angeles County Board of Supervisors as a priority for women.

The woman who some contend could have been, or should have been the first female U.S. Senator from California says today that women must aim higher. They must have the pluck to tackle controversial stuff and the wherewithal to handle losing. "It's the issues you take on that make you a star," says Roz Wyman. She served on the Los Angeles City Council from 1953-1965, and has since become a major power broker in national Democratic Party politics.

"The more press you get, the more controversial you become. For some people, perpetuating themselves in office is what's important," Wyman says. "The women on the city council today? Every one of them is bright, competent. Now it's up to them if they want higher office. They just have to have the courage to run."

Postscript: Pat Russell, 63, completed the L.A. Marathon in 4 hours, 50 seconds. Fellow Councilman Zev Yaroslavsky, 38, running alongside Congressman Mel Levine, finished about 10 minutes earlier.

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Back row: Associate justices Edward Panelli, David N. Eagleson, John A. Arguelles and Marcus M. Kaufman. Front row: Associate Justice Stanley Mosk, Chief Justice Malcolm Lucas and Associate Justice Allen M. Broussard.

Duke's Court veers to right

By Susan Yoachum

No one knows better than Ronald Reagan just how unpredictable the California Supreme Court can be.

In 1972, Reagan's hand-picked chief justice, Donald Wright, stunned the then-governor and other conservatives when Wright led the California Supreme Court to declare the death penalty unconstitutional.

Reagan, an ardent death penalty supporter, reacted angrily to what he considered to be Wright's betrayal of the conservative cause.

But, 15 years later, with another conservative governor, George Deukmejian, and his equally carefully chosen chief justice, Malcolm Lucas, few observers really expect such surprises.

Although — as Reagan found out — there are no guarantees on how a court appointee will vote, few are betting that a chief justice once nicknamed "Maximum Malcolm" (for his sentencing practices on the federal bench) will get squeamish about imposing the death penalty.

Susan Yoachum is a reporter for the San Jose Mercury News.

For anyone who missed November's overwhelming electoral defeat of former Chief Justice Rose Bird and fellow liberal Justices Joseph Grodin and Cruz Reynoso, there is a new era under way in the state's highest court.

It began on March 18th, when the three new Deukmejian appointees — Court of Appeal Justices John Arguelles, David Eagleson and Marcus Kaufman — were unanimously confirmed for elevation to the Supreme Court, which was already under the stewardship of Deukmejian's longtime friend and fellow conservative, Lucas.

The four, along with Deukmejian's other appointee, Justice Edward Panelli, now make up a five-member, conservative-to-moderate majority on a high court long ruled by liberals. With only two remaining moderate-to-liberals — Justices Stanley Mosk and Allen Broussard — the Deukmejian-dominated court already has shown signs that it may live up to its conservative billing.

A recent headline in the state's leading legal newspaper, *The Los Angeles Daily Journal*, summed it up like this: "New High Court Quietly Dumping Bird-Era Cases."

The article's author, veteran Supreme Court reporter Philip Carrizosa, pointed out that, since mid-March, the Lucas Court has "summarily dismissed" six cases that the Bird Court had agreed to decide.

"The dumped cases seem to fit no particular pattern, running the gamut of both civil and criminal issues," wrote Carrizosa. "But the cast-out parties include environmentalists, unions, anti-government activists and criminal defense lawyers, all of whom tended to be frequent winners during the Bird era."

Reporters for general circulation newspapers already had noted in front-page stories that one of the Lucas Court's first official actions was to grant the attorney general's request for a rehearing of the highly controversial "Onion Field Killer" parole case.

Less than a week before their terms expired, Bird, Grodin and Reynoso had joined with Broussard to grant parole to Gregory Powell, convicted of the 1963 slaying of a Los Angeles policeman in a field near Bakersfield, which was later depicted

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in Joseph Wambaugh's best-selling book, "The Onion Field."

At the time, furious prosecutors predicted the new court would not allow the ruling to stand. Although a rehearing is not a new decision, it is an indication that the new court has its own ideas and is less likely to be tagged "soft on crime."

In addition, the court has begun whipping through its death penalty case backlog — which was nearing 100 in March — by setting a number of the complex cases for oral arguments.

The pace concerns some court watchers, including Santa Clara University Law School Dean Gerald Uelmen, a staunch supporter of the retention of Bird, Grodin and Reynoso.

"The number of death penalty cases set for hearing is mind-boggling," Uelmen said. "I wonder how long they can keep that pace up. Those cases are back busters."

The pace of death penalty cases also has not gone unnoticed in the attorney general's office, whose lawyers must argue every death penalty case as it goes before the court.

"However, unless the court begins at full sprint," said Chief Assistant Attorney General Steve White, "the justices will never get the death penalty cases done."

Along with the speed with which the court tackles death penalty cases, Uelmen said there are two other facts about the new court that will make it different from the old one. One is the amount of trial court experience the Lucas Court has in comparison to the Bird Court. The other is the fact that Bird, Grodin and Reynoso were from Northern California, while Arguelles, Eagleson and Kaufman are from Southern California.

"Because of the trial court experience, I think there may be fewer decisions where this court finds that the trial judge was in error," Uelmen said. "As for the north-south difference, I think we don't yet know what the consequences of that will be, but it may have an effect on water decisions and other environmental issues."

The most obvious difference between the Lucas Court and the Bird Court is that the court is now without a female member for the first time since Bird was appointed in 1977. Although Deukmejian ignored the pressure to name a woman to the state's highest court, he did retain Hispanic representation on the court with the appointment of Arguelles.

Even with the Supreme Court's loss of three Northern California liberals, including one woman, Uelmen cautioned against expecting the Lucas Court to change too much California law too soon.

"They're not going to come in and wholesale overrule the precedents of the Bird Court," Uelmen said. "I wouldn't read too much into their decisions on selecting what cases they're going to hear and re-hear. They have a freedom to set their own agenda that the Supreme Court has always had."

Prosecutor White agreed. "It's not a conservative juggernaut," said White. "It is clearly a moderate court. It has conservative members, but it still has the voice of two liberals. It's not a homogeneous court, for which I'm grateful. It's a weakness of the Bird Court that there tended to be too much agreement."

And that agreement often cut against prosecutors, who frequently found themselves on the losing end in death penalty cases and other criminal cases.

The American Civil Liberties Union, which frequently had a favorable reception from the Bird Court, is nonetheless reluctant to criticize the Lucas Court at this point.

"We don't feel that we have enough evidence to go branding them," said Margaret Crosby, staff attorney for the ACLU's Northern California office. We're closely watching the court, and we feel that upholding precedent is a principle of a conservative court. And if it's a moderate court, that's also not a court that erases years of decision-making. It would be a tragedy if basic constitutional rights were a casualty of this election."

How bound the Lucas Court will be to precedent is a key question. Justice Kaufman, who once agreed with a description of himself as a "redneck with a high I.Q.," gave a hint as to how he plans to answer the precedent question when he questioned attorneys making oral arguments to the court in April.

Must the court be bound to precedent when that precedent is wrong? Kaufman asked as he drilled defense attorneys.

Kaufman later explained that he was approaching his work on the Supreme Court the way he had done on the Court of Appeal.

But the way a judge behaves on the Court of Appeal does not always translate to his action on the Supreme Court, observed longtime court-watcher and Boalt Hall law professor Preble Stolz.

"The role of a judge on the Court of Appeal is different than on the Supreme Court," Stolz said. "A Supreme Court justice has more freedom to decide more open questions. It isn't necessarily true that how a judge acts on the Court of Appeal is how he will act on the Supreme Court."

Kaufman, 57, is considered to be a brilliant but controversial judge who earned a name for himself on the 4th District Court of Appeal in San Bernardino by taking actions like accusing the state's farm labor board and the United Farm Workers of being in "collusion," which prompted an unsuccessful UFW attempt to disqualify him from the union's cases.

Kaufman, a ruddy-complexioned, stocky man, also gave a preview of how he may regard past Supreme Court decisions on housing discrimination when he wrote that Supreme Court decisions banning housing discrimination against families with children were "legally and practically inane." He was first appointed a judge in 1969 by then-Governor Reagan, who named him to the Court of Appeal.

Reagan also appointed Eagleson, 62, to his first job as a judge. Eagleson started out on the Los Angeles County Superior Court in 1970, where he remained until Deukmejian elevated him to the 2nd District Court of Appeal in Los Angeles in 1984.

Before becoming a judge, Eagleson practiced law in Long Beach for nearly 20 years. That was where he became good friends with Deukmejian's good friend and former law partner, Malcolm Lucas.

Arguelles, 59, was Deukmejian's bipartisan choice. Arguelles, a Democrat, was appointed to the bench in 1963, when former Governor Edmund G. "Pat" Brown Sr. appointed him to the Municipal Court in East Los Angeles. Arguelles was elevated to the Superior Court by Reagan in 1969, and he was promoted again in 1984, when Deukmejian elevated Arguelles to the 2nd District Court of Appeal in Los Angeles.

Of the three new justices, Kaufman is considered the hardest-core conservative, while Arguelles is thought to be more moderate. But even though the Lucas Court's makeup is more conservative than that of the Bird Court, court watchers still caution against rushing to judgment about the Lucas Court.

"This business of reading the tea leaves is risky," said Stolz. "Especially when there are hardly any tea leaves in the bottom of the cup."

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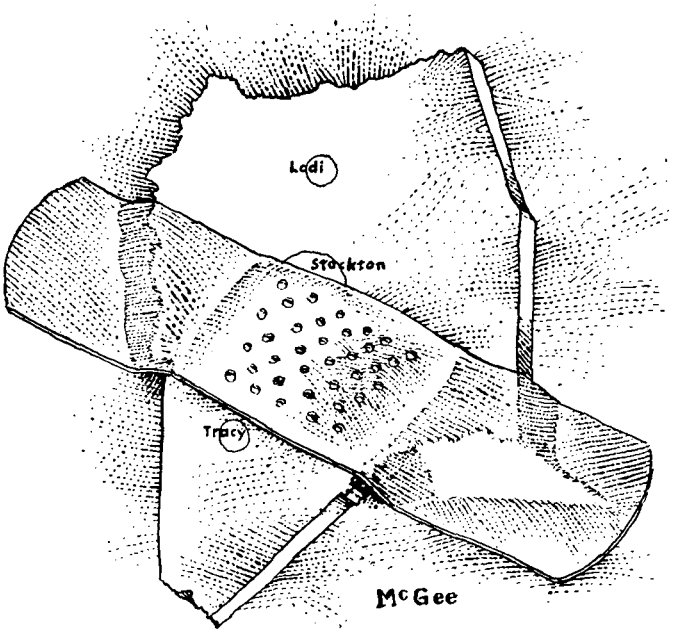
San Joaquin County

The state's only independent health district

By Michael Doyle

San Joaquin County is the only California county that does not run its own public health department. The unique San Joaquin Local Health District has been independent for 64 years, but how long it stays that way is anyone's guess.

The San Joaquin County Grand Jury, state Air Resources Board, county officials and state legislators have all taken shots at the district, citing inefficiency, lack of initiative and financial malnutrition. They insist that merger with the county is only a matter of time.



"The district shouldn't exist," says state Senator John Garamendi, a Walnut Grove Democrat. "It's an anachronism. It's just not going to make it in the long run."

"The district ought to be dissolved," agrees Democratic Assemblyman Pat Johnston of Stockton. "Other than the bureaucratic imperative to stay in business, there doesn't seem to be any reason for it to continue."

Most, though not all, of the health district's nine trustees resist the merger sentiment. They say the district's 143 workers capably handle such responsibilities as public health nursing, education and disease testing, and are making inroads in pollution control.

"I'm optimistic about what we're doing," says Jim Culbertson, president of the health district's board of trustees. "If we were left alone, we could do even a better job than we're doing now."

Until a pro-merger board majority develops or legislation forces the issue, the local health district will remain responsible for San Joaquin County's public health programs. And that means critics like Garamendi and Johnston must swallow some of their feelings in their annual efforts to get more state money for the district.

Both legislators have carried bills in the past several years to provide cash transfusions to the health district. This year, Johnston's AB1262 would provide about $900,000 to compensate for a funding shortfall that has existed since the 1978 Proposition 13. The district currently has a $6.2 million annual budget.

A similar bill passed the Legislature last year but was vetoed by Governor George Deukmejian.

Johnston says the extra money is a matter of fairness for the 420,000 residents of San Joaquin County. Because of the health district's independence from the county, lobbyist Dale Wagerman estimates, the district has missed out on more than $5 million in post-Proposition 13 AB8 bail out aid to counties.

"If we were getting our fair share of state money, I don't think anybody would be after us," Culbertson said.

But Johnston shakes off such hopeful assessments.

"The trustees would like this to be their salvation," Johnston said, "and in the short run, the public health services will probably be provided by the health district. But in the long run, it will be provided by the county."

Continued on next page

Michael Doyle is a reporter with The Modesto Bee, *covering San Joaquin County.*

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Continued from previous page

It was a different world when the district began in 1923. San Joaquin County had a population of about 80,000. Residents of Lodi, Stockton and Manteca decided they needed a coordinated effort to fight cholera and typhoid, but didn't find the county sufficiently helpful. Thus, four years before the state established its own public health department, San Joaquin County residents obtained the Legislature's assistance in creating the Local Health District.

Dr. Jack Williams ran the show as District Health Officer for over 30 years. He held all the reins — finances, policy, personnel — and was characterized by County Administrator Dave Rowlands as "a one-man operation." Rowlands dryly noted in a 1984 memo that the district's fiscal and budget matters were prepared "somewhat by hand and in the tremendous knowledge base of Dr. Williams."

In other words, Williams ran the district out of his head, and his resignation in late 1984 left a significant void. His resignation, current District Health Officer Dr. Jogi Khanna said, also came as the county itself faced change.

Once largely rural, San Joaquin County's population has grown dramatically in recent years. The cities of Tracy and Manteca are two of the fastest growing in the state, Stockton continually expands into former farmland and more than 25,000 recent Asian immigrants create what Khanna termed a special public health challenge.

"The district started as a small operation, and wasn't geared up to the population increase," Khanna said. "The district had to go through the change from rural to urban."

County officials, eager to bring the health district up to speed, began pressing for merger about the time of Williams' resignation. By early 1986 merger talks seemed well on their way. Of prime concern for trustees was the fate of the district's employees. The concern was well-founded, given the attitude of some county officials toward the district's performance.

"Upon assumption of the district by the county, Mr. Rowlands would promptly terminate several persons," two visiting county health officers reported in 1986. "When pressed, he indicated this would be only after due cause was established."

On April 22, 1986, the county grand jury issued a stinging critique of the district, citing poor record keeping, lack of initiative and budget problems. The watchdog group recommended merger with the county, and four days later district trustees approved a resolution supporting the merger concept — in principle.

The details were a little tougher for the district to swallow, however. The notion was to establish a county department of public health, with the district trustees becoming an advisory public health board. Khanna would become public health officer and current district employees could transfer into the county. But the merger talks broke off for good in November 1986 because, says Rowlands, district trustees refused to commit themselves; and until they did, he said, he wouldn't assign his staff to work on the merger.

At least one district trustee, Escalon resident Tommy Joyce, blames his fellow trustees for the breakdown in merger talks. Joyce still believes the district should merge, and he thinks the desire to protect personal turf remains a prime motivator for several trustees. While county officials say the next step in the merger dance is up to the health district, they still fret about public health issues — notably those dealing with pollution and toxics.

The state Air Resources Board sharply criticized the district's environmental operations in a March 1986 report. The district issued more than 600 notices of violations in 1984 and 1985 but collected only $125 in penalties, the report noted. During the same period, the district granted 183 emission variances and denied only four.

The county's 1985-86 grand jury also excoriated the district's handling of pollution matters. In response, the district spun off its air quality section from the environmental health division, increased fees and made personnel changes. "We have gone through considerable improvement," Air Pollution Control District Director Lahkmir Grewal said, "but we are not at the area we should be."

The improvements definitely aren't good enough for Supervisor William Sousa, the supervisor most vocal about pollution issues. "They don't know where they're going," Sousa said.

As a result of the increased environmental responsibilities coupled with dissatisfaction with the health district, the county gave more power — and more money — to its own Office of Emergency Services. Funding for the OES doubled to over $300,000 in the last two years, largely to pay for increased environmental work.

OES, rather than the health district, now monitors the development of emergency plans by companies handling hazardous wastes, and it is designated as the county's agency for Proposition 65 toxic-spill notices.

"Our intent is not to duplicate," OES coordinator Ron Baldwin said. "It's our intention that so long as we're at an impasse in the consolidation, that nothing should fall between the cracks."

"We work together with them," Khanna said. "We have a coordinated team."

Nonetheless, the county's attorney wrote state Department of Health Services Director Kenneth Kizer in January asking whether the county could unilaterally take over the environmental unit.

The state ruled that health district approval would be needed for any takeover, and that ended a hostile takeover effort.

Now that merger and takeover talks have died down, at least in public, Khanna says she wants to make the district a model agency. The district is making its anti-AIDS efforts more visible and is trying to shake its past image as a passive agency. Its newly refurbished headquarters in a residential Stockton neighborhood presents a far more successful image to the public.

"We'd just as soon do without the politics," Khanna says.

But the politics remain inescapable. Assemblyman Johnston's AB3622, introduced and signed into law in 1986, made it easier for the district to dissolve. Now, only a majority of the district's nine trustees must approve a merger with the county, instead of the unanimous vote previously required.

If Tommy Joyce wins over more members of the district's board of trustees, that bill could be the leverage for merger. A less-attractive option exists, Johnston says, and that's ending the district through state legislation.

Neither Johnston nor Garamendi want to author a bill specifically to dissolve the health district. They'd prefer the merger — which they consider inevitable — be handled directly by county and district officials.

But if that doesn't happen, Johnston suggests, disengagement efforts shifting control of public health programs from state to local governments could include, as part of the fine print, a forced end to California's only independent county health district.

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Kern County's Karl Hettinger

"Onion Field" cop's foray into politics

By Bruce Scheidt

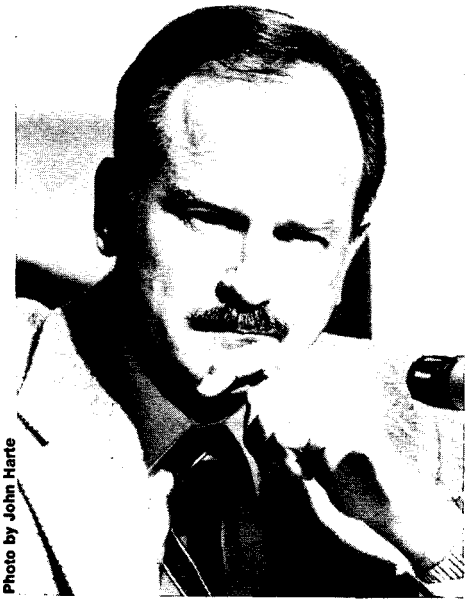

Photo by John Harte

Karl Hettinger is feeling better about himself these days. It seems like a curious prescription, but politics — that erratic and fanciful path which has ruined more than a few lives — may be his healing ointment.

The 52-year-old Hettinger is ingrained in the public's memory as the surviving policeman in the notorious "Onion Field" killing, a tragic figure chased by inner demons after watching his partner executed on a cold night in 1963. Last March Governor George Deukmejian appointed him to fill Assemblyman Trice Harvey's vacated seat on the Kern County Board of Supervisors. Hettinger's friends hope the appointment will end the guilt and self-doubts that, for 24 years, have tormented the laconic, gentle man with the riveting blue eyes.

"It is satisfying," Hettinger says. "It's hard to describe. I do feel like I've come a long way."

Getting to this point has been a long ordeal. Immortalized in Joseph Wambaugh's best-selling book and then in a popular movie, "The Onion Field," Hettinger and his partner, Ian Campbell, were kidnapped on the streets of Hollywood by Gregory Powell and Jimmy Lee Smith in 1963. The officers were forced to drive to an onion field south of Bakersfield where Hettinger watched in horror as his partner was gunned down in cold blood. A terrified Hettinger managed to escape into the night, running a zigzag pattern through the fields as Powell shot at him.

Thus began Hettinger's nightmare. For years he was criticized by fellow officers for giving up his gun to the outlaws, even though Powell had a gun to his partner's back. The emotional destruction led him to shoplift and consider suicide. He was forced to resign from the police force after he was caught stealing from a department store. He was never charged for his thefts, as police psychologists concluded his acts were a hidden plea for help.

After leaving the force, Hettinger started a landscaping business in the San Fernando Valley. In the early 1970s a former classmate from Pierce Junior College offered him a job as manager of a nursery greenhouse. Although the offer would force him back into Kern County, just miles north of the onion field, Hettinger accepted.

While in Bakersfield he met Harvey at the nursery and later worked in Harvey's first supervisorial campaign. Harvey liked Hettinger's way with people and hired him as his field representative. Hettinger later was promoted to administrative assistant.

Hettinger would not unburden himself to others, never even confiding to Harvey who became a close and trusted friend. "He hadn't talked about (the Onion Field case), so I didn't ask him about it," Harvey said.

Finally on June 17, 1985, Hettinger broke his 22-year silence about the tragic events of 1963. In a press conference, Hettinger, a Republican, publicly acknowledged to the world his involvement in the Onion Field murder and further announced he would seek the governor's appointment if his boss won election to the Assembly.

He became a co-chairman last fall in the campaign to defeat Supreme Court Chief Justice Rose Bird and two other liberal associate justices. Powell and Smith had been given the death sentences for their crimes, but those sentences were overturned when the Supreme Court ruled California's death

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Bruce Scheidt is Capitol correspondent for the Bakersfield Californian.

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BALLOT FRONT

A roundup of statewide initiative proposals. All statutes require 372,145 valid signatures; constitutional amendments require 595,485. In parentheses is the deadline for sponsors to submit signatures to county clerks, the ballot on which the initiative would appear and the issue of California Journal *that contains a full explanation of each measure.*

In circulation:

LAW INVALIDATION — an initiative constitutional amendment, sponsored by Eleanor Hemstreet of Sacramento and Helen Lowery of San Andreas, that seeks to abolish the California State Bar Association and prohibit its members from holding public office or practicing law in California courts. Among other things, the initiative would also prevent judges from interpreting the law in courts and repeal all laws enacted by the Legislature since 1926. (August 3, 1987; June 1988 ballot)

STREETS AND HIGHWAY FUNDING — an initiative constitutional amendment, sponsored by Paul Gann of Carmichael and Republican Assemblywoman Doris Allen of Cypress, that would funnel all net revenues from state sales and use taxes on motor vehicle fuels into planning, construction, improvement, maintenance and operation of the state's public roadways. These revenues would be designated as "user fees" and exempt from Proposition 4 spending limits. To subsequently raise these taxes would require a two-thirds vote of each house of the Legislature or a majority vote of the people. (September 17, 1987; June 1988 ballot)

FAMILIES — an initiative constitutional amendment, sponsored by Stephen Konnoff of Sacramento, provides that families have the right to be free from government intrusion, and that parents have the right to raise their children according to their own beliefs and to joint and equal legal and physical custody. Further, parental permission must be sought for medical service provided to a minor. (September 21, 1987; June 1988 ballot)

Source: Secretary of State March Fong Eu

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POSITION **OPEN**

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penalty law unconstitutional in 1972. Smith has since been paroled twice.

The Bird Court, in one of its final actions, ordered Powell's release, but the new Deukmejian majority has held up the killer's parole and is expected to overturn the Court's earlier decision. Hettinger wants Powell to remain locked up.

"This guy is vicious," Hettinger said. "They say he is an exemplary prisoner. Does that mean he hasn't murdered anybody lately?"

After Harvey won his Assembly election, Hettinger's appointment was not assured even though Harvey and others in the community endorsed him enthusiastically. The appointment became complicated by local politics and proved frustrating to Deukmejian.

Another candidate, Martha Fallgatter, a California State University trustee and former county GOP chairwoman, was thought to be favored by Deukmejian, but she was strongly opposed by Assemblyman Phil Wyman, a Tehachapi Republican who feared she would use the position to challenge him for reelection. Assembly Republican Leader Pat Nolan of Glendale got involved at the request of Wyman, asking the governor not to appoint Fallgatter.

Hettinger, who has been married 25 years and is the father of three children, had to overcome a few embarrassing entries on his resume. He was convicted in 1983 of drunken driving while operating a county car. Harvey could have fired him but chose not to. Hettinger also was forced to disclose he is still receiving a stress disability pension from the City of Los Angeles, which now amounts to $15,385 annually, tax free. To blunt political criticism, Hettinger has decided to put the disability payments into an irrevocable trust fund, in the name of his slain partner Ian Campbell, to benefit children of law enforcement officers killed in the line of duty.

The governor's office was concerned about the drunken driving conviction. "It was determined he paid the penalty," said Deukmejian's deputy press secretary, Donna Lipper. "He was the most qualified candidate, and the appointment was appropriate."

The new supervisor said he expects his past to surface in an opponent's campaign if he seeks a full term in 1988, and he is prepared for it. He has learned to accept tragedy and critical judgments. Now he is comfortable talking about it.

"It's the truth. It happened," Hettinger said. "I can deal with the truth."

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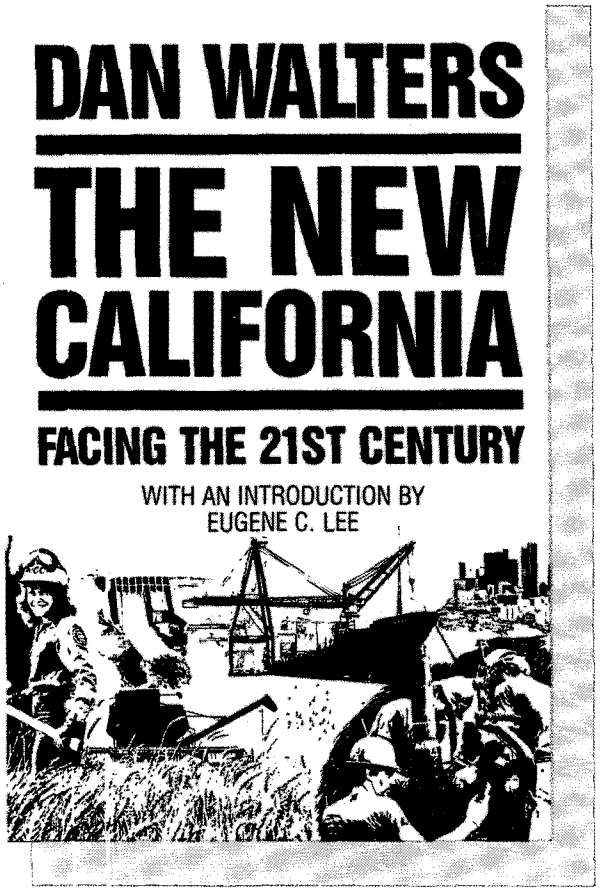
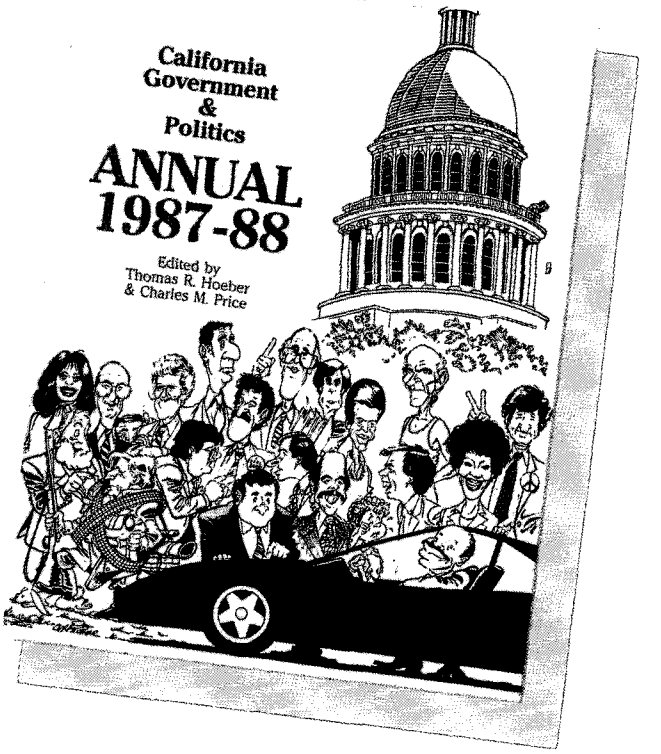
Two new books from CALIFORNIA Journal



The New California — Facing the 21st Century

by Dan Walters
with an introduction
by Eugene C. Lee

The *Sacramento Bee's* well-known political correspondent, Dan Walters, recently completed a 9000-mile odyssey through California's 58 counties which resulted in a 15-part series in the *Bee*. The articles describe the socioeconomic future of the nation's largest state and the political implications of these trends. This lively and insightful series is now available in book form. The 180-page book contains numerous charts with detailed political and demographic data. Price: $8.95.



California Government and Politics Annual

Thomas R. Hoeber and Charles M. Price

The brand-new-18th edition of *California Journal's* **California Government and Politics Annual** is now available. The **Annual** has become a standard resource book for college and university courses in state and local government. But it is also a valuable tool for individuals seeking an overview of the California system of Government and current political issues.

The 1987-88 edition contains the popular 'Quick Guide to State Government and Politics and chapters on the various branches of government; lobbying; parties, politics and elections; citizen democracy; and local government. The 128-page large-format book is edited by Thomas R. Hoeber of the *California Journal* and Charles M. Price, political science professor at Chico State University and author of several books on state and local government. The price: $5.95.

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

AIDS

Representative Henry Waxman grew frustrated and angry as he chaired a hearing on AIDS before his House Subcommittee on Health and the Environment.

"THIS ADMINISTRATION TURNED FROM ITS foreign policy experts, Secretaries (Caspar) Weinberger (Defense) and (George) Shultz (State), and asked the foreign policy advice of others, like Lieutenant (Colonel) Oliver North," the Los Angeles Democrat said. "This adminstration now seems to have as a spokesman Secretary of Education (William) Bennett on public health matters. What is going on?"

Waxman may have been reaching in comparing the Reagan administration's infighting over AIDS to the freelance foreign policy maneuvers that created the Iran-Contra scandal. But he had a point in noting that both cases involved zealous conservatives attempting to wrest control of national policy while the president dozed or looked the other way.

Acquired Immune Deficiency Syndrome has grown from a baffling phenomenon to an unstoppable national epidemic since Ronald Reagan became president. Prior to April 1st, however, Reagan made only a couple of passing references to the disease in his public comments. Gay leaders had pleaded, taunted and demanded that the president speak out on AIDS. Now, they may be sorry the president ever got involved.

Speaking to a convention of doctors in Philadelphia April 1st, Reagan managed to put his usual optimistic spin on the fatal disease whose victims have most frequently been homosexuals and intravenous drug users. Although his own administration's experts predict there will be no cure for AIDS until the turn of the century, the president pluckily assured the physicians in Philly that researchers were making "unprecedented progress against a major virus."

In the weeks that followed, some of his administration's moralistic conservatives seized on the president's new high profile on AIDS as their opportunity to take charge.

The battle had been brewing for months. Surgeon General C. Everett Koop issued a study on AIDS last fall that was a pleasant surprise for gay leaders and AIDS victims. Although Koop was known as a staunch conservative and a leader of anti-abortion groups, he spoke out to keep AIDS blood testing voluntary, against discrimination affecting the disease's victims and for teaching in the schools about condoms as a crucial (if imperfect) method to prevent the disease among those who simply would not abstain from all sex outside of marriage.

Koop became such a hero to liberals that San Francisco's Democratic Assemblyman Art Agnos, the California Legislature's leading advocate of gay rights, wrote an AIDS bill taken directly from Koop's recommendations and arranged for the nation's top doctor to address a joint session of the Legislature in Sacramento.

But Koop's tolerant tone outraged leaders of morally conservative groups, and they were not without friends in the administration. Education Secretary Bennett systematically took on Koop's positions, first by denouncing "condom-mania" and insisting that only abstinence should be taught in the nation's schools. This battle raged on for months, with Reagan cheerfully straddling the fence to avoid offending either faction.

Sex should never be taught to children as just "a physical thing, such as eating a ham sandwich," the president told reporters on April 28th, creating one of the year's more unusual metaphors. "Recognizing that there are those who are not going to abstain, all right. Then you can touch on the other things that are being done. But I would think that sex education should begin with the moral ramifications."

The conflicts over AIDS only escalated. In an interview with the *San Francisco Chronicle*, Gary Bauer, Reagan's chief domestic policy aide and a former top assistant to Bennett, complained that government was not taking tough enough action against AIDS out of excessive deference to "paranoia in the gay community." The same week, Bennett urged mandatory blood tests for AIDS for all those seeking admission to hospitals, getting marriage licenses or immigrating to the United States.

"Why is there so much resistance to AIDS testing?" Bennett asked. "The fear of seeming to be insensitive, intolerant or mean-spirited has had an intimidating effect, a chilling effect on open, honest, public debate about AIDS." He specifically attacked California's law guaranteeing the confidentiality of AIDS test results, saying it failed to "sensibly balance the competing claims of the privacy of the patient and the well-being of others."

THE NEXT DAY, before Waxman's subcommittee, Koop responded that mandatory testing would only cause AIDS carriers to go into hiding. "No one has shown, with the discrimination and stigma that goes with this diagnosis, that this is the way to go at this time," he said.

As yet, Reagan has not moved to resolve these conflicts over AIDS. The one thing that seems certain is that the moralistic conservatives, including Bennett, Bauer and Attorney General Edwin Meese, have the president's ear. Koop's views are expressed at Cabinet meetings by Health and Human Services Secretary Otis Bowen, but the surgeon general has never demanded a meeting with Reagan on the AIDS crisis, nor has Reagan ever invited his top health officer to the White House to discuss it.

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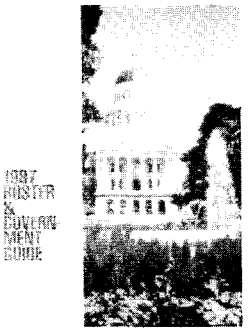
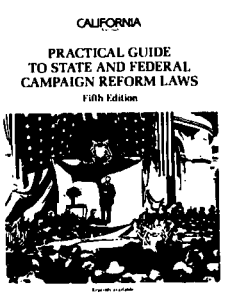
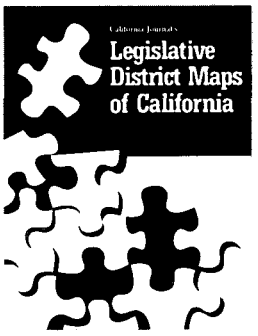
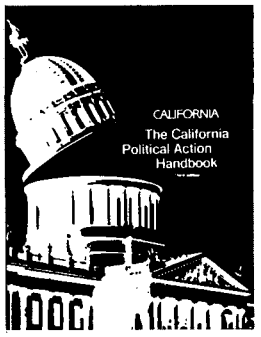
BOOKS FROM CALIFORNIA JOURNAL

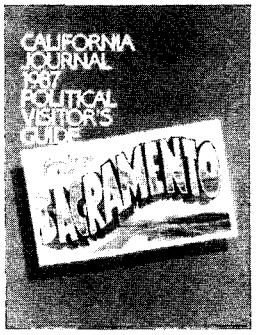
Five Inexpensive Booklets











Roster & Government Guide, 1987, contains the names, titles, addresses and telephone numbers of all the key players in California government; a list of state agencies, a legislative-process chart and plenty of other useful information. Price for the 16-page pamphlet: 100 or more copies, 33¢ each; 50-99 copies, 48¢ each; 2-49 copies, 85¢ each; single copy, $1.50.

Practical Guide to State and Federal Campaign Reform Laws by *Nielsen, Hodgson, Parrinello & Mueller.* This 16-page booklet, prepared in an easy-to-understand question-and-answer format, explains the myriad new campaign reform laws. The 1986 edition reflects the most recent changes in the law. Copies are: 100 or more, 54¢ each; 50-99 copies, 74¢ each; 2-49 copies, 95¢ each; single copy, $1.95.

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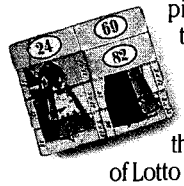

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